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California Historical Society
Quarterly

Volume XXI

1942

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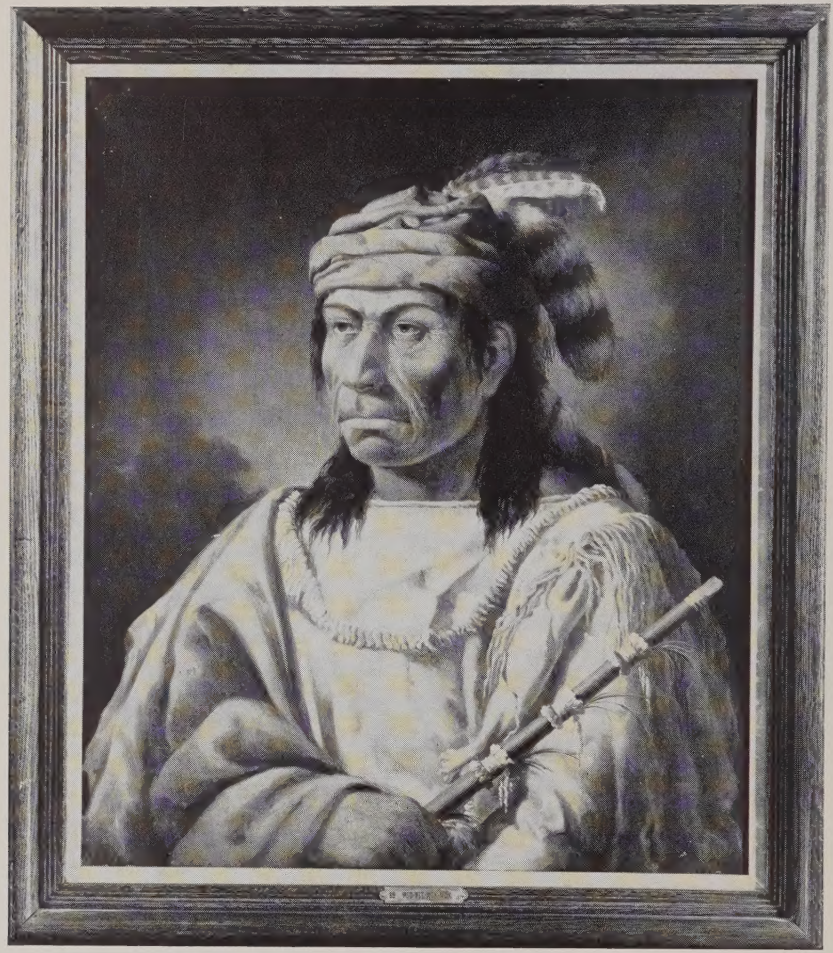

YELLOW SERPENT

From an oil painting by Paul Kane made in 1846 and now in the Royal Ontario Museum of Archaeology, Toronto, Canada. Reproduced by permission.

Walla Walla Indian Expeditions to the Sacramento Valley

By Robert Fleming Heizer

A LITTLE KNOWN series of incidents, most often relegated to a footnote in Oregon and California history books, is that of the several incursions of Walla Walla Indians into California from 1844 to 1847. These Indian expeditions enter into the picture of two important events of the times in each state. In no small part the Whitman massacre of Oregon was attributable to factors arising from these expeditions; and on the other end of the line, the Walla Walla Indians played their role in the Bear Flag revolt and the Frémont episode of California history. In addition, the incidents have particular ethnological significance, which will be indicated later. The story, as nearly as it can be reconstructed from the varied records, runs as follows:

In the late summer or fall of 1844 a party of about forty Nez Percé, Cayuse, and Walla Walla Indians[1] under the leadership of Piopiomoxmox (Yellow Serpent) proceeded by horseback from their Columbia River home into the Sacramento Valley to secure there, by exchange of furs and horses, a herd of cows. These tribes were under strong influence of Catholic and Methodist missionaries and, induced by their example and teachings, were desirous of securing some livestock to start home herds. In part they had already substituted white men's ways of producing food and had considerable areas of land under cultivation. Horses, introduced into Oregon from across the Rockies, were very abundant. Their use created a newly found mobility, and the Plateau Indians were not slow to seize the opportunity to travel. The Columbia River (Plateau) peoples seem to have visited California intermittently since 1800 for the purpose of securing horses and for trade.[2] To resume, the party of natives under the leadership of Yellow Serpent was well received at Sutter's Fort (New Helvetia), and a trading agreement was entered into, the Indians to give furs and horses for Sutter's cattle.[3] The Columbia River Indians, while hunting in the broad Sacramento Valley, recovered from a band of thieves some twenty-two stolen horses. These were claimed by the Walla Walla, who were unwilling to give them up, saying that in their own country the horses would belong to those who recaptured them from a common enemy at the risk of life. However, the California rule at that time was that a branded animal belonged to the owner of the brand until a transfer mark was applied. Negotiations were opened at Sutter's Fort for ransoming the horses for some ten or fifteen cows, but an altercation broke out between Yellow Serpent's son, Elijah Hedding, and one of the men of the Fort, Grove Cook, in which Elijah was shot and killed.[4] The Indian party broke off negotiations and hastily returned to Oregon with the horses, eluding the pursuit dispatched by Sutter.[5] Yellow Serpent felt great rage and grief, and swore to exact vengeance for the murder of his son. The Indians arrived home in the spring of 1845. When the story spread on the Columbia, the Walla Walla and the neighboring friendly tribes became incensed over the murder of Elijah, and the Indians determined to take some concerted retaliative action. It was proposed either to raise an Indian expeditionary force of about 2,000 men from the Cayuse, Walla Walla, Nez Percé, Spokane, Pend d'Oreille, and Shoshone tribes, to invade California and exact retribution, or to hold the Oregon whites, as countrymen of the Californians, responsible for the murder. The situation threatened, for a time, to develop into a serious Indian outbreak against the Oregon settlers, but by careful manipulation this was avoided. Dr. John McLoughlin, factor of the Hudson's Bay Company at Fort Vancouver, met with Yellow Serpent, advised strongly against an Indian campaign and refused to give him arms and ammunition which would have been needed to attack the settlers. McLoughlin recommended a settlement, and Yellow Serpent sent Ellis (a powerful Nez Percé chief) to treat with Dr. Elijah White, the Oregon sub-agent for Indian affairs, at Oregon City.[6] Ellis' story carried with it an implicit ultimatum, but happily Dr. White was able to pacify Ellis, and the Nez Percé chief returned to influence the Walla Walla and Cayuse chiefs into a peaceful settlement which averted the threatened local outbreak.[7]

Although the affair seemed patched up and smoothed over, there continued an undercurrent of resentment among the Indians. Dr. White had written to Sutter, to the government in Washington, and to Thomas O. Larkin, the United States consul at Monterey. Other reports, reaching California from Oregon missionaries and emigrants, insisted that the Walla Wallas were still bent on vengeance. These alarming rumors, together with the memory of Yellow Serpent's vow to avenge his son's death as he left Sutter's Fort in 1845, all contributed to cause great alarm when it became known, in September 1846, that Yellow Serpent and a large contingent of his people were again in the Sacramento Valley.[8] The alarm was brought to Sutter's Fort by Daniel Sill, a settler on the northern frontier. Messengers were immediately dispatched to Monterey and Sonoma, and many troops were sent out to guard important positions. Commodore Stockton, on board the United States warship *Congress*, arrived at Monterey and heard a report "leading to the apprehension that Sutter's settlement on the Sacramento was threatened with an attack of a body of one thousand Wah-lah Wah-lah Indians." Stockton arrived at San Francisco, and learned there "that the reports in regard to the Wah-lah Wah-lah Indians had been greatly exaggerated. They were not so numerous as had been represented, nor had they any hostile intentions."[9]

But instead of the expected thousand bent upon murder and pillage, there appeared only a much smaller group of Walla Wallas who came to "talk," announcing their peaceable intentions and requesting that amicable trade relations be instituted once more.[10] Joseph Warren Revere, an American in command of the volunteers at New Helvetia, met with Yellow Serpent and talked with him. The Indian's speech to Revere is reproduced here:

> I have come from the forests of Oregon with no hostile intentions. You can see that I speak the truth, because I have brought with me only forty warriors, with their women and little children, and because I am here with few followers, and without arms. We have come to hunt the beasts of the field, and also to trade our horses for cattle; for my people require cattle, which are not so abundant in Oregon as in California. I have come, too, according to the custom of our tribes, to visit the grave of my poor son, Elijah,[11] who was murdered by a white man. But I have not travelled thus far only to mourn. I demand justice! The blood of my slaughtered son calls for vengeance! I have told you what brought me here; and when these objects are accomplished, I shall be satisfied, and shall return peaceably to my own country. When I came to California, I did not know that the Boston men [Americans] had taken the country from the Spaniards. I am glad to hear it; for I have always been friendly to the Boston men, and have been kind to those who have passed through my territories. It must be plain to you that we did not set out on a hostile expedition against your countrymen.[12]

The scare soon subsided, and the cheering news went out that fears over a Walla Walla invasion were unfounded. Certain biographers of Frémont[13] have attempted to credit him with persuading the Walla Wallas to forego their warlike intentions and thus preventing a serious Indian uprising. The truth is, however, that the excitement had quieted down before Frémont's arrival. Ten young Walla Walla warriors joined Frémont's California Battalion and participated in the successful fighting which resulted in the annexation of California by the United States. In the battle at Natividad Rancho a party of American scouts and Walla Wallas under command of George Foster was surrounded by General Castro's troops. In the skirmish Foster was killed and the outlook seemed hopeless, but the Walla Wallas fought their way through the enemy lines to reach San Juan, where Captains Burroughs and Thompson were encamped with a small force. These returned for the rescue. Upon Frémont's order the Walla Wallas were paid for their campaign services in government horses.[14]

On May 26, 1847 (eight months after their 1846 entry), the record kept at New Helvetia mentions that "the Walla Walla Chief and a good many of his people" made a friendly visit.[15] Very shortly after this the Walla Walla visitors returned to the Columbia River, since Paul Kane, who was among the Walla Walla villages in late July 1847, noted the return of the party at that time.[16] Kane's painting of Yellow Serpent is reproduced here through the courtesy of the Royal Ontario Museum of Archaeology, where it is housed. Kane states that the party had originally left for California about eighteen months before, i. e., early in 1846. It must have been after March 1846, since Joel Palmer talked with Yellow Serpent at that time on the Columbia.

Yellow Serpent's expedition returned from California, and with it came the measles,[17] a disease to which the Indian had little constitutional resistance. The measles spread rapidly among the Walla Walla and Cayuse tribes and aroused the natives (particularly the Cayuse) to blame the white men. Discontent over the great 1845 and 1846 emigrations to Oregon, and over the constant interference of the missionaries,[18] all combined to create a dangerous restlessness and mounting suspicion of the whites. The measles epidemic was the spark which lit the fuse. The Cayuse rose in open, armed rebellion, of which the tragic Whitman massacre (November 29, 1847) at Waiilatpu was but a part. This measles epidemic, as an important contributing factor to the Whitman massacre, has been minimized by historians searching for the cause of the outrage.

I have spoken of the ethnological significance of these Indian expeditions. In the early historic period when aboriginal groups were still numerically great and were living in large part their old ways of life and using their native tools, dress, etc., contacts of this sort would have stimulated the interchange of aboriginal customs and implements (i. e., material culture forms) between two communicating Indian groups. Thus, great cultural changes are known to have occurred in early historic times among, for example, the Plains Indians who got horses in very early times. The Columbia River groups which we have mentioned above assumed a veneer of traits and customs of the buffalo hunting Great Plains tribes after the middle of the seventeenth century.

An ethnologist finding the hopper-mortar among the Nez Percé Indians[19] might be greatly puzzled, for this grinding instrument is characteristically a Californian type. But, knowledge that Nez Percé or neighboring peoples had indulged in early and extensive contacts with Californian tribes would lead to the inevitable deduction that the isolated Nez Percé occurrence and use of the hopper-mortar dated from the time of these contacts. Instances of this description are very common,[20] yet ethnologists usually tend to neglect the arduous inquiry necessary to uncover the incidents leading to such introductions, and are thereby misled into assuming that the introduced object or custom is ancient.

Although the hopper-mortar is indicated as introduced under these special circumstances,[21] I know of no certain Walla Walla, Cayuse, Spokane, or Nez Percé customs or objects adopted by the Californian Indians. But this is not to say that they will not be found, since J. G. Swan, who describes the Walla Walla expedition, states that a woman he knew "recollected going with her mother and a party of her tribe to the south for a number of months; that they were three months going and three months returning;

that they took horses with them, and Indian trinkets, which they exchanged for vermilion and Mexican blankets; and that on their return her mother died, and was buried where the city of Sacramento now stands."[22] These "Indian trinkets" which undoubtedly were traded to California Indians may be divulged by archaeologists some day.[23] If they are, it will not be necessary to postulate prehistoric trade relations between tribes of the Sacramento Valley and the Columbia River. We might reasonably expect to find less material evidences of these visits, although of these there seems to have been no inquiry or suggestions. Such non-material evidences might theoretically include the adoption by California Indians of native language terms, ceremonial behavior traits, etc., from their Columbia River visitors. Such evidences are more easily recognized when the possibility of their existence is offered, since they may otherwise appear to be indigenous features.

NOTES

1. The Walla Walla, Cayuse, Klikitat, Nez Percé, and Umatilla are Sahaptian speaking. For further information on these and other tribes mentioned, see Leslie Spier, "Tribal Distribution in Washington," *General Series in Anthropology*, No. 3 (Menasha, Wisconsin: Leslie Spier, 1936), and Joel V. Berreman, "Tribal Distribution in Oregon," Memoir No. 47, American Anthropological Association (1937).

2. Franchère tells of a Spokane woman who had visited California before 1814. Gabriel Franchère, *Narrative of a Voyage to the Northwest Coast of America in the Years 1811, 1812, 1813, and 1814*, in Reuben Gold Thwaites, ed., *Early Western Travels* (Cleveland, Ohio, 1904), VI, pp. 341-42. Yellow Serpent began his California horse raids as a small boy, when he went with his father and a band of warriors, according to A. J. Splawn, *Ka-mi-akin, the Last Hero of the Yakimas* (Portland, 1917), p. 364. This may have been as early as 1800. Wilkes said in 1841, at Fort Walla Walla, "The chief of the Wallawallas, who is called Puipui-Marmax (Yellow Bird) and the Nez Perce chief Touwatui (or Young Chief) seemed intelligent and friendly, but the white residents consider them great rogues. They were going to the Shaste country to trade for blankets, together with trinkets and beads, in exchange for their horses and beaver-skins." Charles Wilkes, *Narrative of the United States Exploring Expedition During the Years 1838, 1839, 1840, 1841, 1842* (Philadelphia, 1844), IV, 397.

3. Captain John A. Sutter, in a letter to Thomas O. Larkin, dated July 21, 1845, says there were about thirty-six men, with their women and children, in the party, and the chiefs were Piopiopio (Walla Walla), Young Chief (Skyuse, or Cayuse), Capcapelic (Nez Percé) and Latazi (Nez Percé?). Larkin Documents, III, 227 (MS in Bancroft Library, University of California, Berkeley), printed in Charles L. Camp, ed., "James Clyman, His Diaries and Reminiscences," in this QUARTERLY, V (March 1926), 77. Yellow Serpent (Piopiomoxmox) was a strong leader, as head chief of the powerful Walla Wallas, and was often instrumental in smoothing over Indian-white difficulties. He died in the Indian wars of 1855, while a hostage in the hands of the whites. For circumstances of his death see "Indian Affairs on the Pacific," 34th Cong., 3d sess., H. R. Ex. Doc. No. 76 (1857), pp. 202-6, and George Hunter, *Reminiscences of an Old Timer* (Portland, 1889), pp. 121, 136. J. F. Santee, Charles Wilkes, and Revere all state that the name Piopiomoxmox meant "Yellow Bird." J. F. Santee, "Pio-Pio-Mox-Mox," in *Oregon Historical Quarterly*, XXXIV (June 1933), 167; Charles Wilkes, *op. cit.*, and Joseph Warren Revere, *A Tour of Duty in California* (New York, 1849), p. 156.

4. Yellow Serpent had sent this boy to the Willamette Mission for six years, where he was educated by the Methodists. He was christened Elijah Hedding for the bishop of the church.

5. A. J. Splawn says that a thousand horses were brought back by the Indian expedition. Splawn, *op. cit.*, p. 363.

6. Ellis was a Nez Percé, the son of Bloody Chief. He had been educated by the Hudson's Bay Company and was sympathetic to the whites. He died of measles in 1848 while in the mountains on a hunting expedition.

7. Details of the episode are from the following: William Henry Gray, *A History of Oregon, 1792-1849* (Portland, 1870), pp. 399-404, 507-15; Charles L. Camp, ed., "James Clyman, His Diaries and Reminiscences," in this QUARTERLY, V (March 1926), 76-80; Hubert Howe Bancroft, *History of Oregon* (San Francisco, 1886), I, 285-89; *idem, History of California,* V (San Francisco, 1886), 300-1; Splawn, *op. cit.*, pp. 363-64; Gustavus Hines, *Wild Life in Oregon* (New York, 1881), Chap. IX; J. F. Santee, "Pio-Pio-Mox-Mox," in *Oregon Historical Quarterly*, XXXIV (June 1933), 164-76; Frances Fuller Victor, *The Early Indian Wars of Oregon* (Salem, 1894), pp. 77-83; Revere, *op. cit.*, pp. 147-63.

8. Bancroft says there were forty in the party. Bancroft, *History of California,* V, 301. Paul Kane places their number at about two hundred. Kane, *Wanderings of an Artist Among the Indians of North America* (Toronto: The Radisson Society of Canada, 1925), p. 196. It is at this point that the article, "California Preparations to Meet the Walla Walla Invasion, 1846," by John A. Hussey and George W. Ames, Jr., which follows immediately, begins.

9. John Bigelow, *Memoir of the Life and Public Services of John Charles Fremont* (New York, 1856), p. 171.

10. There is more than a suspicion that Yellow Serpent had, at least when he left the Columbia in 1846, warlike intentions, since this fact is specifically stated by Paul Kane. *Op. cit.*, pp. 196-97. Joel Palmer, who visited with Yellow Serpent in March 1846, states that they "conversed on various subjects, among which the death of his son was mentioned, and he expressed his determination to go to California this (i. e. 1846) season." Joel Palmer, *Journal of Travels over the Rocky Mountains, to the Mouth of the Columbia River; Made During the Years 1845 and 1846*, in Thwaites, *Early Western Travels,* Vol. XXX (1906). The preparations for their reception may have induced Yellow Serpent to abandon hope of blood vengeance. Had not the Californians been ready and on the alert, a fierce Indian war might have developed in which the California Indians almost certainly would have joined as allies of the Walla Walla and Cayuse.

11. Revere, *op. cit.*, p. 158, says the grave of Elijah Hedding was near Sutter's Fort.

12. Revere, *op. cit.*, p. 157.

13. Bigelow, *op. cit.*, pp. 172-73. Charles Wentworth Upham, *Life, Explorations, and Public Services of John Charles Fremont* (Boston, 1856), p. 242.

14. Edwin Bryant, *What I Saw in California* (Santa Ana: The Fine Arts Press, 1936), pp. 341-43. Splawn, *op. cit.*, p. 364.

15. John A. Sutter *et al.*, *New Helvetia Diary, a Record of Events Kept . . . . at New Helvetia, California, from September 9, 1845, to May 25, 1848* (San Francisco: The Grabhorn Press, 1939), p. 46. The "Skyuse" are also mentioned, on p. 54. They are identifiable with the Cayuse who accompanied the Walla Wallas. The Cayuse leader was Young Chief.

16. Kane, *op. cit.*, pp. 196-97. Splawn, *op. cit.*, p. 364, states that they also brought two thousand horses and many Mexican saddles. *New Helvetia Diary*, on June 17, 1847, records that "Piopio Maxmax the Wallawalla chief has been paid of here for his private

demands, and presentet with a good Many things. they left contented and started homeward." *Op. cit.*, p. 51. These "private demands" were undoubtedly reparations for the death of Elijah Hedding. Yellow Serpent thus finally seems to have succeeded in exacting vengeance in the form of weregild from Sutter, whom he held partly accountable for his son's death.

17. Kane, *op. cit.*, p. 222.

18. The Catholic and Methodist missionaries were bitter rivals, and, in their efforts to gain control of the Indians, it was the Indian who was the pawn. Constant struggles of this sort finally resulted in a general suspicion on the part of the Indians of the good intentions of the missionaries. For the background and consequences of these conditions, see Hazard Stevens, *The Life of Isaac Ingalls Stevens* (2 vols., Boston, 1900), II, 20 ff.

19. The hopper-mortar is a flat slab with a basketry hopper attached to the surface. The Nez Percé example is described and illustrated by Herbert Joseph Spinden, "The Nez Perce Indians," *Memoirs of the American Anthropological Association*, Vol. II, Part 3 (1908), pp. 187, 189.

20. See, for example, Robert F. Heizer, "Introduction of Monterey Shells to the Indians of the Northwest Coast," in *Pacific Northwest Quarterly*, XXXI (September 1940), 399-402; *idem.*, "An Inquiry into the Status of the Santa Barbara Spearthrower," *American Antiquity*, IV (October 1938), 137-41; *idem.*, "The Direct Historical Approach in California Archaeology," *American Antiquity*, VII (October 1941), 98-122.

21. The circumstances being either through southern trade contacts, or perhaps through introduction of alien traits through slaves imported from California. Brevet Major Benjamin Alvord reported that the Cayuse had fifty Shasta slaves in 1856. "Report . . . . Concerning the Indians of Oregon and Washington," 34th Cong., 3d sess., H. R. Doc. No. 76 (1856-57), p. 11.

22. James G. Swan, *Northwest Coast; or, Three Years' Residence in Washington Territory* (New York, 1857), p. 313.

23. Captain Sutter says that the trade articles left by the Walla Wallas at New Helvetia included "Leather pantalons, Buffalo Robes, Rifle and Some Curiosity's, etc." Sutter to Larkin (letter cited in Note 3), in this QUARTERLY, V, 78.

THE AUTHOR

Dr. Heizer, who has been on the faculty of the University of Oregon and with the Department of Anthropology at the University of California, will be remembered for his articles in Vol. XX of this QUARTERLY: "Alexander S. Taylor's Map of California Indian Tribes, 1864," in the June 1941 issue, and "Archaeological Evidence of Sebastian Rodríguez Cermeño's California Visit in 1595," in the December number.

California Preparations to Meet the Walla Walla Invasion, 1846

By John Adam Hussey *and* George Walcott Ames, Jr.

AT SUNSET one evening early in September 1846, Mrs. William B. Ide and her family of children were terrified at the appearance before the door of their lonely cabin in the upper Sacramento Valley of a band of fierce-looking Indians from the north. Her husband and her two eldest sons were away from home, and Mrs. Ide had no choice but to parley with the savages. Through an interpreter, a chief asked the family if they "belonged to Captain Sutter."

"No," replied Sarah, Ide's only daughter, "we belong to our father."

To questions regarding Sutter's fighting forces and his wealth Sarah answered as best she could. Finally, after minutely examining the firearms in the cabin and consulting among themselves in their own language, the Indians mounted their ponies and rode off into the woods, singing as they went.

The family's fears were somewhat allayed when James Meadows, their neighbor from across the Sacramento River, arrived with assurances that the Indians meant no harm. A woman living near him, said Meadows, could understand the visitors' language and had learned from them that they were Oregon Indians coming to get satisfaction for the death of their chief's son. He had been killed at New Helvetia the previous year during a cattle-trading expedition, and his tribesmen held John A. Sutter responsible. The chief, in particular, was determined "to have one of Sutter's men to shoot," or at least a compensation of horses or cattle, and was fully prepared to enforce his claim.

Meadows remained at the Ide house that night. The next morning he set out down the river to take his information to settlers living some seven miles below, about on the site of the present Tehama.[1]

Arrival of the Indians in California was not entirely unexpected. Reports had come down from Oregon by immigrants and letters from the Indian agent that Chief Yellow Serpent and his Walla Wallas were determined to avenge the chief's son, Elijah, who had been murdered by Grove Cook.[2] Thus the settlers in the Sacramento Valley were fully prepared to believe the worst when Yellow Serpent and his men appeared before their isolated homes. One settler asked the chief whether or not there were more warriors yet to come. On being informed in sign language that nine men had been left wounded on the trail, he jumped to the conclusion that nine hundred additional armed savages were advancing from the north.[3]

As the alarm flew from ranch to ranch by mounted messengers, the reports became more and more exaggerated. The most prevalent version seems to have been that the Walla Wallas, a thousand strong, were planning to assault Sutter's Fort from motives of vengeance, and if thwarted in this action they would drive off all the cattle belonging to the settlers in the Sacramento Valley.[4] At Peter Lassen's ranch on Deer Creek the residents fully expected to be attacked and prepared to resist, only to find that they had exhausted their supply of bullets. "Fortunately for us," one of them later reported, "the Walla Walla's [*sic*] moved on & left us unmolested."[5]

From Deer Creek, Daniel Sill, a veteran trapper and a settler on the Lassen rancho, slipped away on his fleetest horse; he rode "as if the fiend were at his heels" to warn the people at Sutter's Fort of their danger.[6] He arrived on September 8, and from him or other sources it was learned that by that date Chief Yellow Serpent and his "advance guard" of reportedly two hundred warriors had already reached Feather River, only twenty miles from the fort.[7]

These reports caused genuine consternation at Sutter's New Helvetia, or Fort Sacramento as the place had been officially designated by the United States Naval authorities when California was occupied in July. The garrison, consisting of about thirty white men and a few of Sutter's trained Indians, was believed to be entirely inadequate to withstand an attack by a thousand well-armed, straight-shooting Walla Wallas.[8] Edward M. Kern, the young Philadelphia artist whose appointment in June as commander of the fort by Frémont had been approved by Commodore Stockton, acted promptly to improve his position.[9]

Couriers were immediately dispatched to spread the alarm among all the settlers in the vicinity. Recently arrived immigrants and older residents alike volunteered their services. Sutter's dilapidated pieces of artillery were put in order, and, in the words of one observer, all inside the walls "were busily employed in preparing for the expected combat."[10] Indian scouts were sent out to discover the actual number and position of the invaders. Finally, messengers carrying urgent appeals for reinforcements started for Sonoma and the United States Sloop of War *Portsmouth* anchored in San Francisco Bay.

Kern's message reached Sonoma just as its commanding officer, Lieutenant Joseph Warren Revere, United States Navy, was returning from an inspection tour in the vicinity of Clear Lake. The news was joyously received by the lieutenant and his command of about fifty mounted settlers. "The prospect of an engagement with a strong force of warlike savages, at a time when we were threatened with a most tedious tranquillity, was extremely welcome and cheering, especially in view of the fact that the enemy were the aggressors," he later recollected.[11]

Without delay, messengers were sent out to raise the entire population of Revere's district—Californians, Americans, foreigners, and Indians alike. But the lieutenant did not wait for this levy *en masse* to be organized. Leaving instructions for the recruits to report themselves "with all convenient speed" at Sutter's Fort and sending word of his activities to his superior officer, Commander Montgomery, he departed with his company of mounted riflemen for the scene of action.[12]

Commander John Berrien Montgomery of the *Portsmouth*, who was in charge of the Northern Military District, received Kern's express at Yerba Buena on September 10. The news found the commander in rather an awkward position for making an extensive campaign. From Commodore Stockton, acting governor of California, had come orders for the *Portsmouth* to be prepared to leave Yerba Buena at a moment's notice. Having placed a garrison at Los Angeles and having driven Comandante General José Castro from the province, Stockton believed that the conquest of California was complete. He was preparing to take his squadron to the west coast of Mexico. For some weeks past, however, the area north of San Francisco Bay had been disturbed by rumors of mysterious movements among the native Californians, and Montgomery seems to have feared that any great reduction of his forces might leave the immediate vicinity exposed to a sudden attack. The commander of the *Portsmouth* was also extremely suspicious of English designs upon California and felt certain that in the event of hostilities over Oregon, British men-of-war would attempt to surprise the defenses of San Francisco.[13]

Much as he hated to weaken the strength of his ship, Montgomery felt that the Walla Wallas presented a major threat to the security of his district, and his response was quick and decisive. Not knowing that Lieutenant Revere had already anticipated such orders, Montgomery directed that officer to proceed at once with all his effective force to the relief of Fort Sacramento.[14] To replace Revere at Sonoma, to keep open communications between that place and New Helvetia, and to be in general command of all operations against the invaders, Montgomery chose Lieutenant John Stoney Missroon, first officer of the *Portsmouth*. Missroon was to remain at Sonoma with a guard composed of all the marines who could be spared from the ship and such residents as should "be furnished by General Vallejo during the absence of the proper garrison ordered on other service." In the event of an advance by the Walla Wallas toward Sonoma, Missroon was to give immediate notice in order that Montgomery might, if necessary, proceed to the rescue with all the force of the *Portsmouth*. "Should the Indians claim redress for the injury done them by the recent government," Montgomery directed, "make known their complaints to me."[15]

Upon the first news of the invasion, General Mariano Guadalupe Vallejo, military commander of the northern frontier under the Mexican regime and but lately returned to his home in Sonoma after his confinement in Sutter's Fort by the Bear Flag party, volunteered his services in raising a body of native Californians to assist in the defense of the country. Although Montgomery distrusted many of the Californians, he had a great deal of respect for General Vallejo and accepted the offer at once. Vallejo was requested to collect as many of his countrymen as possible and to report to Missroon for arms and assignment to duty.[16]

For further reinforcement of New Helvetia, Montgomery had another force at his disposal. Purser James H. Watmough of the *Portsmouth* had in August been appointed commander of the garrison at San José. When news of the Walla Walla invasion reached Yerba Buena on September 10, Watmough had been absent from his post about ten days engaged on an expedition into the San Joaquin Valley to punish some Indian horse thieves. Joined with him on this service was Purser Daingerfield Fauntleroy of the *Savannah*, who commanded the garrison at San Juan Bautista. The combined troops of the two pursers amounted to about seventy well-armed and mounted men.[17]

In hope of intercepting this force before its return, Montgomery sent an express into the San Joaquin Valley in search of Watmough. "Wherever this shall meet you," the purser was instructed, ". . . you are directed immediately to proceed to Fort Sacramento." Although Fauntleroy was not under his direct command, Montgomery felt justified under the circumstances in ordering that officer to accompany Watmough should the receipt of the order find the companies still united. Watmough was enjoined to take every precaution against falling into an ambush and was directed, should he find the fort too closely invested by the enemy, not to attempt to force his way in but to retire to a secure position and await reinforcements from Monterey.[18]

To obtain still more troops, Montgomery sent another express southward, this one to Captain William Mervine, commander of the United States Ship *Savannah* anchored in the harbor of Monterey and also commander of the Central Military District of California. After sketching the general situation and the measures he had taken to meet it, Montgomery wrote:

> I hear that some of Major Fremonts troops have arrived at Monterey in which case I would respectfully suggest the importance of sending them forthwith to the Sacramento as in the event of hostillities [*sic*] having commenced the Fort will be closely invested & neither of my small detachments approaching from opposite directions with no facilities for uniting without much delay will be able to reach it, hence you will perceive the course best to be pursued in your circumstances.[19]

Montgomery next informed Kern of the measures which had been taken for the relief of New Helvetia, warning him that the forces already under way would not be able to break through if the fort were surrounded. "Therefore," he encouraged, "hold out as you certainly have the means of maintaining yourself against an Indian force as long as your provisions last."[20] The plan was now complete, and Montgomery awaited news of the execution of his orders.

From Sonoma the reports were gratifying. Lieutenant Missroon reached that town by September 11. He immediately set to work. Captain Salvador Vallejo, the General's brother and also a former prisoner of the Bear Flag party, volunteered to raise and superintend a body of Indian scouts to watch the approaches to Sonoma from the Sacramento Valley. Missroon gratefully accepted the offer and granted Salvador and his men permission to bear arms for the duration of the emergency.[21]

On the night of the eleventh, Salvador had guards stationed at Las Trancas in Napa Valley and perhaps at other places. By the twelfth, outposts were established at vantage points stretching from Suisun and Soscol on the south to the region of Putah Creek on the north.[22] Aided by a number of the neighboring rancheros, Salvador supervised the pickets, visiting as many of them as possible each night.[23] He later claimed that his scouts extended their operations as far as the vicinity of Sutter's Fort itself.[24] Missroon reported on the thirteenth that "S. Vallejo has already covered a space of 50 leagues with his Indian spies, & promises me six hours notice of their approach—by this time, it is believed that these observations extend to the very camp of the Walla Wallas." In a letter written the following day Montgomery enthusiastically praised the "zeal & activity" of General Vallejo, his brother, and Victor Prudon which had created these "extraordinary facilities" for obtaining prompt intelligence of the Indian movements.[25]

Other phases of Missroon's work were likewise carried forward with success. The men raised in the district by General Vallejo were organized and sent forward in small parties to reinforce Revere at New Helvetia. Nineteen native Californians left on one day under the command of Moses Carson, brother of the famous Kit Carson. With them went eight well-armed Indians who had accompanied Carson to Sonoma from Bodega.[26] Through purchase and by means of requisitions on the *Portsmouth*, supplies and munitions also were collected, some of which were dispatched to satisfy the wants of Revere.[27] In addition, Missroon fortified the entrance to the *Cuartel* or barracks at Sonoma so effectively, "as to leave no doubt of his ability to repel an attack should one be made upon that post."[28]

In spite of winning Montgomery's approval, Lieutenant Missroon was not happy in his command at Sonoma. He was in ill-health and also was irked because Revere, a junior officer, was at the point of probable danger. Montgomery, short of officers, promised him relief as soon as practicable and attempted to cheer him with assurances that his services at Sonoma were "most important to the public interests."[29]

"The defensive position in which your foresight & efforts has placed the Quartel with the native services you have been so instrumental in calling into operation in view of the present emergency are matters of consequence," the commander wrote, "the latter especially in its tendency to unite the different classes of residents, between whom there has existed a feeling of suspicion & distrust in one common bond of confidence & friendship which cannot fail to promote peace good government & happiness hereafter."[30]

In the south, however, Montgomery's pleas did not bring such happy results. His appeal to Captain Mervine reached Monterey late in the night of September 11. Mervine, like Montgomery, had received orders from Stockton to be ready to go to sea at a moment's warning and thus did not deem it prudent to weaken his force by dispatching any of his ship's company to the relief of New Helvetia.

Fortunately other troops were available for the service. Captains Granville P. Swift and Henry L. Ford, with a detachment of about forty men of Companies B and D, California Battalion, had arrived in Monterey a short time since from southern California. They had come overland to reconnoitre and operate against any organized resistance which might have been set up by Californian forces after the latter's dispersal at Los Angeles. Captain Swift had been sent to San Juan with a few of his men to relieve all persons belonging to the *Savannah's* complement while Ford prepared to return southward to rejoin Frémont's command. Ford was still at Monterey when Montgomery's news arrived from the north.[31]

Mervine acted with characteristic swiftness. Ford was ordered to move at once to San Juan, where he was to unite his detachment with that of Swift and proceed "with all possible expedition" to Fort Sacramento. "Should you meet with the Forces of Capt D. Fauntleroy, returning from his expedition on the San Joaquin," the instructions continued, "he is hereby ordered to join you, and proceed to the threatened district."[32]

On the twelfth, Ford's company was supplied with clothing and all the rifle ammunition which could be obtained in Monterey and was started on its way to San Juan, where it arrived on the evening of the next day. Here Ford found Purser Fauntleroy, who had separated from Watmough while still in the San Joaquin Valley. Since his men and horses were "worn down with fatigue and hunger," Fauntleroy felt it absolutely necessary to rest a day or two "for his men to wash and mend their clothes" before proceeding to the Sacramento.[33] Besides, Fauntleroy was not at all pleased by the fact that Mervine's instructions seemed to require him to serve under the command of the volunteer officers. Instead of moving forward, therefore, the purser wrote to Mervine for further instructions, requesting more troops and begging to be put in charge of the expedition since he was "the oldest officer."[34]

At the same time, Ford and Swift's men put their heads together and decided that they had already discharged the duties for which they had been enlisted by Frémont. They positively refused to obey Mervine's orders until new terms of service were arranged. This decision was conveyed to Mervine in a joint letter from the two volunteer captains.[35]

When Mervine learned, on the morning of the fourteenth, that his instructions had not been obeyed, his anger was violent enough to be apparent in his written replies of the same date. "You say that you 'construed the order to mean, I shall forthwith repair to said place,' " he said to Fauntleroy, and added scathingly, "You Sir construed it right, and why then did you not obey it?" He continued as follows:

> You will, on receipt of this, without a moments loss of time, proceed with every man under your command, except the Marine Guard and Vaqueros, and all of Captains Ford and Swifts men, who have patriotism enough to serve their country, and I may add, their own firesides, in this time of need, to Sutters Fort. . . .[36]

At San José, Montgomery's dispositions likewise received a setback. On or about September 14, Purser Watmough returned to that place with his horses so completely worn out that it was impossible for him to conduct his party overland to New Helvetia. Montgomery informed Kern of this situation but promised to send the men by water if necessity required it.[37]

Meanwhile, having taken what measures he could to protect his district from immediate attack by the Walla Wallas, Montgomery started to formulate a policy for the peaceful settlement of the Indians' grievances. From the first, Montgomery was determined to treat the Walla Wallas fairly and to see that their claims, if just, received satisfaction. On September 12, Revere was instructed to show a "proper regard" for any proposals made by the Indians if they should prove willing to treat for redress instead of investing the fort at once. As a preliminary to any negotiation, however, the Walla Wallas were to be required to retire to a distance of fifty miles from New Helvetia and to remain there until the wishes of Commodore Stockton concerning the matter could be determined.[38] If the Indians did not first submit a statement of their grievances, Revere was directed to send, as soon as his forces were collected, some "suitable, responsible person" to inform the Oregon chiefs of the change of government and to ascertain their motives in coming to California. Montgomery gave it as his opinion that the Indians had been grievously injured by certain individuals of the country. However, he believed the chiefs would be "readily brought to acquiesce in the course which the Commander in Chief shall deem it just & expedient to pursue in the premises."[39] The commander's desire to see justice done is shown by the fact that, even before he knew definitely whether or not the invaders were determined on hostilities, he ordered the arrest of Grove Cook, the man who had shot Yellow Serpent's son in 1845. The decree was countermanded, however, when Cook assured him that he had already been tried for the crime.[40]

Prospects for a peaceful settlement of the difficulties began to improve as soon as reports from Lieutenant Revere arrived. He had reached New Helvetia with his company by September 12, finding preparations still under way for an energetic defense and a considerable body of settlers already assembled.[41] He promptly informed Montgomery that without any further additions to his garrison he could hold the place against an Indian attack. The Walla Wallas, he reported, had made no demonstrations of hostility on their march southward. They had conversed with various settlers and with a scout from the fort in a very friendly manner, saying to the latter that they had come to demand the unconditional surrender of Grove Cook and the payment of a debt due to them by Captain Sutter.[42]

By the morning of the thirteenth it was generally understood at New Helvetia that the reported "advance party" of hostile Walla Wallas was in reality a small band of forty or fifty men, women and children whose "disposition was entirely pacific." So much had the alarm abated that some of the emigrant volunteers departed for San Francisco.[43]

Revere, however, seems still to have believed that a larger band of warriors was yet to come, for he continued to organize his little army, whose weapons ranged from the rifles of the Americans and the lances and *reatas* of the Californians to the bows and arrows of the Indians. When his arrangements were complete, he held a formal inspection before taking up the march against the savage foe. "It was extremely gratifying to review such a gallant body of men," he later recollected; "I flattered myself that if we came across the enemy we should give a good account of ourselves." The troop was just about to mount when the lieutenant was "surprised and confounded" by the arrival of Yellow Serpent himself and several other Walla Walla chiefs.

A parley was held, and Revere learned that the Indians numbered but forty warriors, with their women and children. They had come, the old chief solemnly declared, principally to hunt and to trade for cattle. But also, he wanted to visit the grave of his son and to see justice done for that as yet unavenged murder. "It must be plain to you," he concluded, "that we did not set out on a hostile expedition against your countrymen."

In reply, Revere expressed gratification at hearing of the chief's peaceful intentions and promised to consider his demands. "If I think it right to interfere at all," the lieutenant said, "I will make the case known to the civil authorities, who will do what is right." He then gave the Indians permission to proceed with their trade.[44]

Disappointed as he was at the turn of events, Revere was nevertheless inclined to believe the chief and dismissed a portion of his volunteers. Many of the settlers, however, suspected that some sort of treachery lurked behind Yellow Serpent's peaceful words. As a precautionary measure, Revere sent a scouting party of "old Indian hunters" to the headwaters of the Sacramento.[45]

Before these scouts returned, the lieutenant decided to go on an expedition up the valley himself. He believed the country safe enough, but thought the occasion "favorable for making a demonstration of our strength to overawe the local Indians, who were sometimes disposed to be troublesome." Accompanied by Kern and a sizeable force, Revere marched as far as the Marysville

Buttes and camped in their vicinity. At this place his "old Indian hunters" rejoined him, reporting that no sign of any additional Walla Wallas could be found and that the rumors of a large-scale invasion had been entirely false.

This news had a most depressing effect on Revere's recruits, many of whom had hoped to the last for a clash with Yellow Serpent's warriors. Now that this pleasure was denied them, a few wished to find solace in exterminating a *rancheria* or two of the nearby native Indians. Curbing such desires, Revere moved his company southward to the Walla Walla camp, located in the bend, "just where the Feather river falls into the Sacramento." Here they were courteously received by Yellow Serpent, and if there was any remaining fear of the Walla Wallas it was promptly dispelled, for practically every Indian in the camp was ill with the ague.[46]

Fort Sacramento was reached by September 22, and Revere's command, reduced to its normal strength once more, was sent on to Sonoma, while the men who had volunteered for the emergency returned to their homes. There was no longer any need for a large force at New Helvetia since the security of that post had been assured on September 16, when Revere had authorized Kern to enlist thirty Indians as an additional garrison.[47]

Lieutenant Revere did not accompany his troops on their homeward journey. A fall from a horse incapacitated him for about a week at New Helvetia and then, after starting, an attack of ague seized him in Napa Valley and still further delayed his return to duty.[48] He had, however, promptly reported the results of his expedition; and the welcome news that there was absolutely nothing to fear from the Walla Wallas rapidly circulated throughout the area north of San Francisco Bay.[49]

On September 23, General Vallejo informed Montgomery of the dismissal of the Californians who had been serving under his command.[50] The next day Montgomery ordered the withdrawal of the marines from Sonoma,[51] and on the twenty-fifth Salvador Vallejo was relieved of his command with the "thanks of the United States" and requested to recall and disperse his force of scouts.[52] The Walla Walla War, as some people later chose to call it, was over; and more than one participant in the episode credited the prompt action of Commander Montgomery and his officers with preventing bloodshed.[53]

NOTES

1. [Simeon Ide], *A Biographical Sketch of the Life of William B. Ide* . . . [Claremont, N. H., 1880], pp. 80-82. Much of the material upon which this article is based was gathered while the writers held Native Sons of the Golden West Fellowships in Pacific Coast History.

2. Hubert Howe Bancroft, *History of California* (San Francisco, 1886-90), V, 300-1. For more information on Chief Yellow Serpent and his mission see the article by Robert Fleming Heizer in this issue of this QUARTERLY.

3. Joseph Warren Revere, *A Tour of Duty in California* . . . (New York and Boston, 1849), pp. 159-60.

4. Edwin Bryant, *What I Saw in California* . . . (3rd ed., Philadelphia, 1849 [1848]), p. 273.

5. William Isaac Tustin, "Recollections of Early Days in California" (MS in Bancroft Library), p. 9.

6. Revere, *op. cit.*, p. 160.

7. John Berrien Montgomery to William Mervine, Yerba Buena, September 10, 1846, John Berrien Montgomery, "Letter Book, October 4, 1844, to September 15, 1846" (MS in Office of Naval Records and Library, Washington, D. C.); Montgomery to Edward M. Kern, Yerba Buena, September 10, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

Bryant, *op. cit.*, p. 273, says that the news of the Walla Wallas reached the fort by "some couriers" on the ninth, but the fact that Kern's appeal for help was dated the eighth would appear to fix the date on the earlier day.

8. Bryant, *op. cit.*, pp. 273-74.

9. For further information on the Fort Sutter garrison and its commander see *ibid.*, p. 267; and "The Fort Sutter Papers" (original MSS in the Henry E. Huntington Library and Art Gallery, San Marino). Typed transcripts of these records kept by Edward M. Kern were bound with printed commentaries by Seymour Dunbar and issued in an edition of twenty copies by Edward Eberstadt, New York, in 1921. The manuscripts referred to here are Nos. 10, 27, and 63, of the volume of transcripts.

10. Bryant, *op. cit.*, p. 274.

11. Revere, *op. cit.*, p. 148.

12. *Ibid.*, p. 152; Montgomery to Revere, Yerba Buena, September 12, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

13. Montgomery to Kern, Yerba Buena, August 10, 1846, and same to same, Yerba Buena, August 26, 1846, "Fort Sutter Papers," Nos. 62, 63; Montgomery to Revere, Yerba Buena, September 1, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846"; Montgomery to Stockton, Yerba Buena, September 25, 1846, John Berrien Montgomery, "Letter Book, September 16, 1846, to December 7, 1846" (MS in Office of Naval Records and Library, Washington, D. C.)

14. Montgomery to Revere, Yerba Buena, September 10, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

15. Montgomery to Missroon, Yerba Buena, September 10, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

16. Montgomery to M. G. Vallejo, "Anchorage off Yerba Buena," September 10, 1846, Mariano Guadalupe Vallejo, "Documentos para la historia de California" (MSS in Bancroft Library), XII, No. 237.

17. Montgomery to Revere, Yerba Buena, September 12, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

18. Montgomery to Watmough, Yerba Buena, September 10, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

19. Montgomery to Mervine, Yerba Buena, September 10, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

20. Montgomery to Kern, Yerba Buena, September 10, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

21. Missroon to S. Vallejo, Sonoma, September 11, 1846, Vallejo, "Documentos," XII, No. 238.

22. S. Vallejo to M. G. Vallejo, Las Trancas [September 12?, 1846], and same to same, "Portezuelo de Tolucay," September 13, 1846, Vallejo, "Documentos," XII, Nos. 234-a, 240.

23. M. G. Vallejo to [Missroon], Sonoma, September 12, 1846, Vallejo, "Documentos," XII, No. 239.

24. Salvador Vallejo, "Notas históricas sobre California" (MS in Bancroft Library), pp. 144-45.

25. Missroon to Revere, Sonoma, September 13, 1846, "Manuscripts, Documents, Letters &c. Relating to the Conquest of California" (usually referred to as "Sloat Manuscripts" or "Sloat Correspondence"; MSS in California Historical Society library); Montgomery to Revere, Yerba Buena, September 14, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

26. Montgomery to Revere, Yerba Buena, September 14, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

27. Missroon, List of goods bought of J. P. Leese, Sonoma, September 12, 1846, Mariano Guadalupe Vallejo, Vallejo Papers (MSS in the Henry E. Huntington Library and Art Gallery, San Marino, California); Montgomery to Missroon, Yerba Buena, September 12, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846"; Missroon to Revere, Sonoma, September 13, 1846, Sloat Manuscripts.

28. Montgomery to Revere, Yerba Buena, September 14, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

29. Montgomery to Missroon, Yerba Buena, September 12, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

30. Same to same, Yerba Buena, September 14, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

31. Mervine to Daingerfield Fauntleroy, Monterey, September 5, 1846; Mervine to Montgomery, Monterey, September 12, 1846; Mervine to Henry W. Queen, Monterey, September 12, 1846; Mervine to Stockton, September 15, 1846; Mervine to Granville P. Swift, Monterey, September 5, 1846, Mervine, "Letters Sent Book, 1845 to 1847" (MS in Office of Naval Records and Library, Washington, D. C.); Stockton to Fauntleroy, Los Angeles, August 17, 1846, "California Pioneer Archives" (copied MS in Bancroft Library, Berkeley, California).

32. Mervine to Ford, Monterey, September 12, 1846, Mervine, "Letters Sent Book, 1845-47."

33. Fauntleroy to Mervine, San Juan, September 15, 1846, Mervine, "Letters Received Book, 1845-47" (MS in Office of Naval Records and Library, Washington, D. C.).

34. Same to same, San Juan, September 13, 1846, Mervine, "Letters Received Book, 1845-47."

35. Mervine to Stockton, Monterey, September 15, 1846, Mervine, "Letters Sent Book, 1845-47."

36. Mervine to Fauntleroy, Monterey, September 14, 1846, Mervine, "Letters Sent Book, 1845-47." There is no evidence at hand which indicates that Fauntleroy ever moved towards the Sacramento.

37. Montgomery to Kern, Yerba Buena, September 17, 1846, Montgomery, "Letter Book, September 16, 1846, to December 7, 1846"; the copy of this letter in "Fort Sutter Papers," No. 66, is dated September 19, 1846; Bancroft, *History of California*, V, 294.

38. Montgomery to Revere, Yerba Buena, September 12, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

39. Same to same, Yerba Buena, September 14, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

40. Montgomery to George Hyde, Yerba Buena, September 15, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846."

41. Revere, *op. cit.*, p. 154; Bryant, *op. cit.*, p. 274, gives the date of Revere's arrival as

the twelfth, but his dates are not always to be trusted. Revere says his force consisted of 150 whites and 300 Indians, a number which seems exaggerated.

42. Montgomery to Revere, Yerba Buena, September 14, 1846, Montgomery, "Letter Book, October 4, 1844, to September 15, 1846"; Montgomery to Stockton, Yerba Buena, September 15[?], 1846, Montgomery, "Letter Book, September 16, 1846, to December 7, 1846."

43. Bryant, *op. cit.*, p. 274.

44. Revere, *op. cit.*, pp. 155-58. The conference took place on or before September 15. Montgomery to Revere, Yerba Buena, September 18, 1846, Montgomery, "Letter Book, September 16, 1846, to December 7, 1846."

45. After receiving a report from Revere on the meeting with the Walla Walla chief, Montgomery ordered Revere, on September 18, to keep a strict watch on the Indian camp and to seize the chiefs should it be ascertained that a second party of warriors was approaching. If, on the contrary, it was determined that the chief had spoken the truth, Revere was to give the savages protection against injury or insult "from such as might be disposed to inflict additional wrongs upon this injured tribe." Montgomery to Revere, Yerba Buena, September 18, 1846, Montgomery, "Letter Book, September 16, 1846, to December 7, 1846." It is probable, however, that Revere did not receive this letter before he left on his trip up the valley.

46. Revere, *op. cit.*, pp. 158-62. Revere and "all the men who went to the Walla Walla war" contracted the ague as a result of this visit. Revere to Kern, Sonoma, October 17, 1846, "Fort Sutter Papers," No. 44.

47. Revere, *op. cit.*, p. 163; Revere to Kern, Fort Sacramento, September 16, 1846, "Fort Sutter Papers," No. 43; Kern to Montgomery, Fort Sacramento, September 22, 1846, United States Navy Department, Area Files, A-9 (original MSS in Office of Naval Records and Library). Kern preferred the Indians to the white men of the garrison, since the latter were "so little to be depended on."

48. Revere, *op. cit.*, p. 163.

49. Revere's report was dated September 21 and reached Montgomery on the twenty-fourth. Montgomery to Revere, Yerba Buena, September 24, 1846, Montgomery, "Letter Book, September 16, 1846, to December 7, 1846."

50. Montgomery to M. G. Vallejo, Yerba Buena, September 25, 1846, Montgomery, "Letter Book, September 16, 1846, to December 7, 1846."

51. Montgomery to Revere, Yerba Buena, September 24, 1846, Montgomery, "Letter Book, September 16, 1846, to December 7, 1846."

52. Daniel Clinton Hugenin to S. Vallejo, Sonoma, September 25, 1846, S. Vallejo, "Notas," p. 159. Hugenin, a midshipman, was acting commander at Sonoma on this date, evidently having relieved Missroon. Salvador Vallejo, according to his own statement corroborated by several Californians, received, by means of cleverly "padding" his expense account, $15,000 from the United States Government for his services against the Walla Wallas. Such may have been the fact, but no official record of payment has yet become common knowledge. Cayetano Juarez, "Narrative of Captain Cayetano Juarez of Napa City" (MS in Bancroft Library), p. 11; Manuel Torres, "Peripecias de la vida Californiana" (MS in Bancroft Library), pp. 77-78; Mariano Guadalupe Vallejo, "Historia de California" (MS in Bancroft Library), V, 203-8; S. Vallejo, "Notas," pp. 142-49.

53. M. G. Vallejo to Thomas Oliver Larkin, Sonoma, September 15, 1846, Thomas Oliver Larkin, "Documents for the History of California" (MSS in Bancroft Library), IV, No. 280; Kern to Montgomery, Fort Sacramento, September 22, 1846, Area Files, A-9. On September 15, Commodore Stockton in the U.S.S. *Congress* arrived at Monterey from Southern California, planning to withdraw the naval forces from the northern part

of the territory and to sail for operations in Mexican waters. Hearing, however, of the Walla Walla invasion, he at once ordered the *Savannah* to San Francisco and, after making arrangements for the government of the Central Department of California during the absence of his forces, sailed himself for that port in the *Congress* on September 24. "The Indians must have satisfaction," he had written to Montgomery on the twentieth, but added that if "they are formidable and insolent, they must be taught that is not the way to seek justice at our hands." Both the *Congress* and the *Savannah* reached San Francisco on the afternoon of September 26, and Stockton learned that there was nothing to fear from the Indians. He expressed a desire, however, to see Yellow Serpent, and orders to facilitate the passage of the chief to Yerba Buena were sent to Revere and Kern. But the commander of New Helvetia reported on September 29 that "general sickness" still prevailed at the Indian camp, and the idea of seeing the chief had to be abandoned. U.S.S. *Savannah*, "Log Book, June 29, 1846, to July 18, 1847" (MS in the National Archives, Washington, D. C.); Stockton to Montgomery, Monterey, September 20, 1846, Robert Field Stockton, "Letter Book" (MS in California Historical Society, San Francisco, California), p. 147; Montgomery to Revere, Yerba Buena, September 28, 1846; Montgomery to Kern, Yerba Buena, September 28, 1846; Montgomery to Kern, Yerba Buena, October 2, 1846, Montgomery, "Letter Book, September 16, 1846, to December 7, 1846"; Stockton to Bancroft, San Francisco, October 1, 1846, Robert Field Stockton, "Pacific Squadron Letters, Stockton's Cruise, 1846-47" (MS in Office of Naval Records and Library); Stockton to John Young Mason, Washington, D. C., February 18, 1848, 30th Cong., 2d sess., H. Exec. Doc. 1 (1848), pp. 1037-54. It has been claimed by certain biographers of John C. Frémont that he interviewed the Walla Wallas and persuaded them to remain peaceful, but Frémont did not reach their camp until all prospects of danger had passed. For the authorities on this subject see Bancroft, *History of California*, V, 302, note 13.

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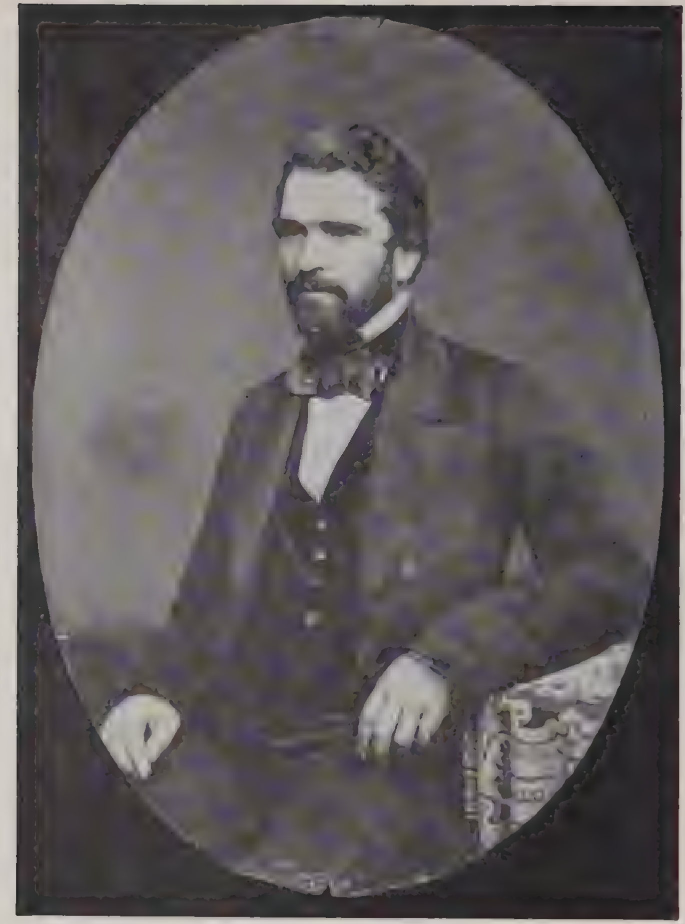

THOMAS SIM KING

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Thomas Sim King

Vigilante Editor

By John Denton Carter

FEW JOURNALISTS have had so pronounced an influence on the course of California history as James King of William, founder and first editor of the San Francisco *Bulletin*. Historians have done full justice to the story of his newspaper crusade against the political corruption and vice of early San Francisco, his murder by James P. Casey, and the resulting organization of the Vigilance Committee of 1856. In contrast, the career of his brother, Thomas Sim King, who succeeded him as editor of the *Bulletin*, has been almost altogether neglected. Thomas S. King lacked his brother's dynamic personality, his qualities of leadership, his sense of the dramatic; above all, he lacked James King's colorful prose style that gave such force and conviction to the latter's editorials. He was, nevertheless, an able journalist. In the nearly three years of his editorship of the *Bulletin*, from the murder of his brother in May 1856 to his retirement in January 1859, he built the paper into one of the two or three outstanding journals in the State. As an ardent supporter of the Vigilance Committee and the People's party movement that followed, he exercised as great an influence on public affairs in California as that of any of his editorial contemporaries.

Thomas S. King was one of a family of adventurous brothers, sons of William and Christine (Gussley) King, all of whom left their home in Georgetown, District of Columbia, for the West in the decade of the 1840's. Two of them met violent deaths on the frontier. Captain Henry King, the older brother, served under Frémont in California during the Mexican War and lost his life in January 1849, on Frémont's fourth expedition into the mountains of northern New Mexico.[1] James King of William left home in May 1848, before the discovery of gold was known in the East, and arrived in California in November of that year. He too met a violent death—at the hands of James P. Casey.

Thomas King was more fortunate than his brothers, for he lived many years more than his allotted three score and ten. He was born on December 29, 1823, in the District of Columbia.[2] Almost nothing is known of his early life before he went away to the Mexican War in 1847. In September of that year, according to the Official Register of the United States, he was stationed at New Orleans as a clerk in the quartermaster's department, earning a salary of $75 per month.[3] Two years later he was serving in the same position at the same salary at Sacket Harbor on the shores of Lake Ontario in northern New York.[4] In the fall of 1850 he was transferred to Fort Leavenworth on the

Indian frontier, and served there and at Fort Laramie for the next three years.[5] His life at this time must not have been without adventure, for the story was told in later years that while at Fort Leavenworth, "he performed the feat of riding alone through 5,000 hostile Indians to Fort Laramie, Wyoming, carrying $5,000 in his saddlebags as pay for the soldiers at the latter fort."[6] While on the plains he served under Edward Fitzgerald Beale, who stated later that King "held responsible positions in the Quartermaster's Department and had the entire confidence of all with whom [he was] associated."[7] Another of his superior officers at this time was William T. Sherman, with whom King rode from Fort Leavenworth to Kansas City in 1851. They were apparently very good friends, for King visited Sherman two years later at the latter's home in New Orleans.[8] When both were living in San Francisco in 1856, however, they clashed over the question of the Vigilance Committee.[9] King was then editor of the *Bulletin* and Sherman was major-general of the California militia, threatening to put down the Vigilance uprising.

Early in 1853 King resigned his position in the army to go to California to live, arriving in March of that year. His brother, James King of William, was then one of the leading bankers in San Francisco. Through his brother's influence Thomas King secured a clerkship in the customhouse, under the new Democratic administration, which paid him an annual salary of $2,500. He remained in this position for the next three years.[10]

The course of Thomas King's career between 1854 and 1856 was affected radically by the series of dramatic ups and downs in the fortunes of his brother James. James King of William's bank failed in the summer of 1854 and its assets of nearly $300,000, and its liabilities, were taken over by Adams & Co.[11] The latter firm gave King a very good job in its own bank, but it too failed in the panic of February 1855. James King, his wife and five children, were reduced in a few months to absolute penury.

Thomas King was now able to repay his brother for the help that had been given him in the past. He supported James and his large family for some six months in 1855 when the latter was unable to find work of any kind. When James King decided to enter the newspaper field in partnership with Christian Otto Gerberding, Thomas put up part of the money to finance his brother's share in the undertaking.[12] It was not a very good business risk, for the field of journalism in San Francisco was overcrowded and James King had had no previous editorial experience. Thomas' confidence in his brother was not misplaced, however, for the San Francisco *Daily Evening Bulletin*, founded by James King of William on October 8, 1855, was an outstanding success from the very first. King began at once to wage war on the political corruption, crime, and vice that plagued the city at that time. His forceful editorial style, his courage in going after those whom he considered the guilty leaders of the community, and his evident sincerity, made an immediate appeal to the public. Within a few months the *Bulletin* claimed to be leading all the other eight or ten dailies in the city in circulation, and there was none to deny the claim.[13] From the depths of despair following the failure of his bank, James King of William had risen in a short time to become the most widely acclaimed and the most popular figure in San Francisco. His success was in part the result of timely assistance given him by his brother Thomas and he was quick to acknowledge his indebtedness in the columns of the *Bulletin*.

Through no fault of his own, Thomas King was the cause of his brother's entering into a newspaper quarrel over the management of the customhouse in San Francisco which resulted in the murder of the *Bulletin* editor. A reform group in the Democratic party published an attack on Milton S. Latham, collector of customs, demanding that he be removed for having appointed a number of ballot-box stuffers and election rowdies, henchmen of David C. Broderick, to minor positions in the customhouse. James King of William came at once to the defense of Latham,[14] even though he had been attacking Broderick and other Democratic leaders as the fountainheads of corruption in the State. He had never attacked Latham, however, and there is reason to believe that Latham was the one leading Democratic politician whom he respected. But there is no doubt that he was moved, in part at least, by his loyalty to his brother, for Thomas S. King held one of the better paid clerkships in the customhouse under Latham.

County Supervisor James P. Casey entered the quarrel when his *Sunday Times* of May 11, 1856, published an article, over the pseudonym of "Caliban," attacking the motives of James King of William in defending Latham. The article stated that the *Bulletin* had upheld Latham because Thomas S. King "holds a lucrative position in the Custom House"; and that the paper was engaged in "unrelenting and malicious persecution" of another Democratic politician who had been appointed United States marshal in place of Thomas King.[15]

When Caliban's letter appeared on May 11, Thomas King replied in a card in the San Francisco *Herald* on May 13. He stated that he had called immediately on Casey and that in his first interview Casey had promised to reveal the name of the author at an appointed time. When King called back he was unable to find Casey in. "Until I receive the name of the author," King ended his statement, "I wish simply to say that I have never applied nor thought of applying for the office of United States marshal."

Thomas King met Casey on Montgomery Street on the morning of the 13th, according to Bancroft, again demanded to know the name of the writer of the letter and this time was flatly refused. "I will give you till ten o'clock tomorrow," King is reported to have said; "if you do not reveal to me his name by that time you shall stand the consequences." At this point James

King had his brother promise not to attack Casey, stating that "their weapon must be the pen."[16]

The story of James King of William's murder has been told too often to need repeating here in detail. On May 14 the *Bulletin* appeared with an editorial that was to be King's last. It had to do with the customhouse controversy and brought up again a fact that had been published in the San Francisco papers some months before, that James P. Casey had once been an inmate of Sing Sing prison in New York. Casey called on King at the editorial offices of the *Bulletin* about four o'clock that afternoon. He demanded to know what King had meant by publishing the editorial bringing up his past, and was ordered from the room and told never to return. As King was going home about five o'clock, Casey met him at the corner of Montgomery and Washington Streets, threw off a short cloak exposing a large navy revolver and fired. King lingered between life and death for six days before passing away on the afternoon of May 20, 1856.

Thomas S. King was driven into a frenzy of grief and anger over the murder of his brother. His desire for revenge led him to extremes in both word and action in the exciting months that followed, for which he has been severely criticized by Hubert Howe Bancroft and others. The criticisms were not altogether justified, however, and in some respects entirely unfair.

King took at once a leading part in the popular movement to set aside legal processes and to take the law directly into the hands of the people. After James King of William was shot, Casey was taken to the county jail, where a mob soon gathered, determined to storm the jail and lynch the prisoner. Thomas King came to the scene as the crowd hesitated before the guns of the armed guards around the jail. To spur the people to action, he mounted a balcony on the opposite side of the street and began to speak. He claimed that the shooting of his brother was the result of a premeditated plan by the gamblers of San Francisco and concluded his harangue with a plea for immediate action by the mob. "We have got to take that jail," he shouted, "and to do so we must kill those officers, unless they give way to us, and we must hang that fellow up." King leaped down and rushed toward the jail as if to lead the attack, but he was stopped by friends who took him to a nearby carriage and persuaded him to leave.[17]

On the same evening, in another part of the city, a group of former members of the old Vigilance Committee of 1851 met for the purpose of reviving that organization. The decision was made to call a public meeting for nine o'clock in the morning, and notices were published in the morning papers. No record is available of the part Thomas King took in the actions of the Vigilance Committee in that eventful first week of its existence. Casey and Charles Cora were taken from the county jail by the Vigilantes, tried and found guilty, and were hanged publicly in the early afternoon of May 22. At the same hour the mile-long funeral procession of James King of William passed through the streets of the city on its way to Lone Mountain Cemetery.

After James King of William was struck down, his editorial duties were taken over temporarily by James Nisbet. On May 28 Thomas S. King's name appeared at the masthead as editor. In a statement to the public on that date King admitted his total lack of journalistic experience but assured his readers that the *Bulletin* would carry on the policy of its founder. His first editorial efforts were little more than puerile imitations of his brother's style, as Bancroft described them, but he improved with practice and in time developed a simple, direct style of his own.

If Thomas King was less able than his brother, he was not less convinced of the need for a thorough cleansing of the political life of San Francisco. Angered by the murder of his brother, and driven on by both a desire for revenge and a desire for reform—it is difficult to determine at times which predominated—he early established himself as the most violent of the extremest element in the Vigilance movement. In every case in which the committee took action, the *Bulletin* always demanded the extreme penalty. When enthusiasm lagged or compromise was talked of, the *Bulletin* was there to lash the members into action. Its scorn and wrath were poured out on the heads of all those leaders of the community opposed to the Vigilantes: General William T. Sherman, Colonel Edward D. Baker, Governor John Neely Johnson, Judge Thomas W. Freelon, Sheriff David Scannell, and numerous others. When the Vigilance Committee was arresting the more notorious of the political ruffians in the city, the *Bulletin* demanded that at least one of them be hanged as an example and warning to all others in the future:

> There is another work before the Committee, more important than any which has hitherto engaged their attention. It is the *purification of the ballot-box*. If we would have order hereafter, an example must now be made of the ballot-box stuffers. If there is anyone in the custody of the Committee, on whom ballot-box stuffing can be clearly proved, his punishment should be exemplary. We are not ignorant of the weight of the words we utter. Tampering with elections is in fact the most heinous of crimes. . . . An example must be made. . . .
>
> . . . Hang one ballot-box stuffer, and we shall have no more of them.[18]

The *Bulletin* again raised the cry for blood when David S. Terry was arrested by the committee in June. Terry was at that time an associate justice of the Supreme Court of California. On June 21 he became engaged in a street fight with a Vigilance Committee "policeman" named Hopkins when the latter was sent to arrest a friend of Terry. In the scuffle Terry stabbed Hopkins in the neck, inflicting a critical wound. The whole body of Vigilantes was called out to arrest Terry. He was confined in the committee's jail and soon brought to trial.[19]

Terry's arrest presented a most difficult problem to the committee. Here was no ordinary political ruffian, but a member of California's highest judicial body, one of the Governor's closest advisers, and a man with many friends throughout the state. His execution might well bring a reaction from political sympathizers that would result in the most unfortunate consequences to the leaders of the committee. There was hesitation and divided counsel as Hopkins lingered between life and death. To the *Bulletin*, however, it was a clear case of right and wrong. Terry was no better than other political roughs and should be treated as such. The *Bulletin* editor presented his own solution of the problem of what was to be done with Terry and urged it on the committee: "Should Hopkins die, Terry should be hanged. His position above all others, demands that an example should be made to this class of men. Should Hopkins recover, Terry ought to be banished—public safety requires it. He has proved himself unworthy of any consideration. . . .[20]

The other San Francisco papers supporting the Vigilance movement—the *Alta California*, *Chronicle*, and *True Californian*—saw the problem in a somewhat different light, and urged that the committee move cautiously and attempt to allay excitement. The editor of the *Bulletin* rebuked them for their timidity, for their "labored effort to smooth over things."

> In our opinion, it is this milk-and-water, namby-pamby style that in this city, to a great extent, has weakened the influence of the press. We, of course, are unacquainted with the policy that actuates professional editors. We are not brought up to the business and do not measure our words by square and compass. . . .[21]

Hopkins recovered finally from his wound, and the Vigilance leaders were thus relieved of the responsibility of making a most serious decision, for it is certain that the extremist elements, whipped into a frenzy by the *Bulletin*, would have demanded the death penalty for Terry had the executive committee hesitated to act. Terry was found guilty of the charge of stabbing Hopkins, but was released on August 7 with only a mild rebuke and recommendation that he resign his place on the bench. This appeared to King to be downright treachery, a betrayal of the rank and file of the Vigilantes by their leaders. Up to this time King had given unwavering support to the acts of the executive committee, but with the release of Terry he turned and condemned its members in the severest terms. "They have checked the reform movement," he wrote, "perhaps killed it. They have infused a new spirit into the rowdies. . . . They no longer represent the feelings of our community."[22]

The truth of the matter seemed to be that it was the *Bulletin* itself that no longer represented the feelings of the community. Its own enthusiasm for reform continued unabated, but the general body of the Vigilantes were showing a desire to bring an end to their work and to return to a more normal state of things. On August 18, less than a fortnight after the release of Terry, the committee officially disbanded with a grand parade and celebration. The *Bulletin* seemed willing to forget the charges it had made against the leaders and entered into the general rejoicing over the successful conclusion of what it was pleased to term a "moral revolution."[23]

Hubert Howe Bancroft's estimate of Thomas King was based largely on the first few months of King's editorship of the *Bulletin*, when the passions of the whole community were inflamed by what amounted to a local civil war. It is true that King, angered by the murder of his brother, was among the most violent supporters of the Vigilantes and his editorials served to heap fuel on a fire that might easily have gotten out of hand and brought untold disaster to the city. But Bancroft was obviously unfair in his refusal to give King and the *Bulletin* any credit whatsoever for honest motives, for an earnest desire to cleanse San Francisco of one of the worst sets of political ruffians ever to infest an American city. In his *Popular Tribunals*, Bancroft wrote of King:

> Coarse, illiterate, and common in mind and manners, he carried about him that same vindictive energy which characterized his brother James, with this difference: James King's hatred of sinners sprang from a hatred of sin, and was sanctified by the noble purpose of cleansing society; and this because he loved purity and justice and abhorred vice. Thomas King hated on general principles. . . . That he was on the right side was owing to accident. Without being a very bad man or a very good one, he was full of explosive material which, like the paper cannon the Chinese make for our Fourth of July, was ready when ignited to burst out on its weakest side. The explosive force of his passions was as likely to drive him downward as upward.[24]

Bancroft was a resident of San Francisco during the Vigilance period, and it may be that he knew Thomas King personally. But the probability is that he was influenced unduly by the abuse heaped on King by rival newspaper editors and others of that period, for King made many enemies and seems also to have inherited all the animosity of his brother's enemies. To say that Thomas King was illiterate is nonsense and merely parrots the frequent charges of a few contemporary editors that King was only the ostensible and not the real editor of the *Bulletin*. King was forced to state time and again, as were his associates, that he was the real and responsible editor of the paper.[25] Edward C. Kemble, the historian of the early California press, stated in December 1858: "It is a common assertion, that [Thomas S.] King cannot write such editorials as appear in the *Bulletin*, and that he is merely the 'ostensible' editor. This, however, is an error. He is a fluent and forcible writer, and usually writes the first editorial."[26]

Nothing could be further from the truth than Bancroft's statement that the *Bulletin*, under Thomas King's editorship, "rapidly degenerated, and was kept alive more by public sympathy than by personal merit."[27] Quite the contrary, it was King, aided by capable assistants, who placed the *Bulletin* on a firm and solid basis, and made it possible for the paper to enjoy long years of prosperity and growth. He seemed to have realized, once the excitement of the Vigilance movement was over, that the paper would not be able to live and prosper solely on the reputation of his brother or by the popularity it had attained as an ardent champion of the Vigilantes. To endure, it was necessary that the paper do more than merely continue the reform policy of its founder, which gave it its distinctive character; it was necessary also to provide news for its readers, which is the primary function of any newspaper. No effort and expense were spared to this end, and before he retired in January 1859, King and his assistants had made the *Bulletin*, in the completeness and variety of its news matter, one of the two or three outstanding journals in the West.

King deserves only a part of the credit for building up the news service of the *Bulletin*, for this was due largely to his capable news editor, James Nisbet, and the business manager, C. O. Gerberding. His responsibility was the editorial page, and it was here that he made his principal contribution to the growth of the paper by maintaining its reputation for being an honest, courageous, reform journal. The reforms that he advocated, and the men, institutions, and practices that he attacked, touched almost every phase of the life of San Francisco and California. King continued his brother's attacks on such evils as political corruption and duelling, but he also found many other wrongs that needed correcting: unsafe steamboats, quack doctors, Mormon disloyalty in Utah, a corrupt prison administration. The *Bulletin* became an ardent advocate of economy in government, particularly in the city government of San Francisco. To render a public service by helping to relieve the city of a heavy indebtedness, the *Bulletin* offered to do all the city and county printing free of charge.[28] This offer was accepted by the board of supervisors and the arrangement continued for several years. The paper began a campaign to force a reduction in the heavy fees permitted the sheriff, the county clerk, and other public officers.[29] It was also opposed to the creation of new offices which served to increase the cost of the municipal government.

Thomas King continued his brother's campaign against David C. Broderick as a corrupting influence in California politics. Broderick had kept out of the public eye, more or less, during the Vigilance period, probably for reasons of personal safety; but when the state legislature met at Sacramento early in January 1857, it was found that he held that body in the hollow of his hand. His personal fortunes had seemed to be in eclipse following the Vigilance purge of many of his political henchmen, but the reformers saw now, to their great consternation, that his power in the state as a whole was greater than ever. On January 10, 1857, Broderick was elected to the United States Senate by the state legislature in joint session, receiving 79 votes out of a total of 112.[30] It was clear to the *Bulletin*, when "King David" received the nomination of the Democratic caucus on the day before his election, that "the shoulder-striking wing of the Democracy" was "in the ascendant." The *Bulletin* correspondent at Sacramento, reflecting the paper's editorial policy, denounced the election as "a high crime against nature and society." He continued: "One half-year since he [Broderick] was literally a prisoner in San

Francisco, his friends, and possibly himself, trembling for his life: today, behold his position!"[31]

Broderick's control over the legislature was such that he was able not only to secure his own election to the long term in the United States Senate, but was able also to name his old political enemy, William M. Gwin, to the short term. When the balloting for the short term in the Democratic caucus threatened to result in a deadlock, Broderick, to the surprise and chagrin of both friends and enemies, deserted the candidate of his own faction and threw his support to Gwin.[32] To the *Bulletin* and the reform elements in the State, the nomination and election of Gwin could have been only the result of a corrupt bargain. On the day following his election, Gwin published in the Democratic *State Journal* at Sacramento a letter thanking Broderick for his support, and renouncing all claims to the Federal patronage.[33] The *Bulletin* believed that this letter was clear enough evidence that Gwin had "sold himself body and soul, politically, to his powerful and despotic colleague, D. C. Broderick."[34]

When Broderick went to Washington in March 1857, to attend the inaugural and put in his claim to the patronage for which he had struggled so long and so successfully, he was given a cool reception by Buchanan. The Buchanan administration, dominated by the Southern wing of the Democratic party, had determined to ignore Broderick in patronage matters and to seek the advice of Gwin. The Federal offices in the State were given to Gwin's political followers.

This incident was the beginning of the political transformation of David C. Broderick that was to have so profound an effect on California politics. It also brought to an end the feud between Broderick and the *Bulletin*. The paper's animosity was now directed mainly at the Southern wing of the Democratic party and the Buchanan administration's Kansas policy that developed in the summer and fall of 1857. Without deserting its political independence, the *Bulletin* under Thomas King came more and more to the support of Broderick and the Douglas or anti-Lecompton Democrats, as the opposition came to be called. The *Bulletin* praised Broderick's maiden speech in the Senate, an attack on the pro-slavery Lecompton constitution of Kansas, for its earnestness, directness, and vigor.[35] A few months later the paper again had occasion to speak its praise of Broderick when the California senator upheld the free white labor of the North in his very effective reply to Senator Hammond's "Mudsill" speech.[36]

During the period of Thomas S. King's editorship of the *Bulletin*, the filibustering evil was active and virulent, especially so in California. William Walker, the most notorious of the filibuster leaders, had lived for several years in California in the early 1850's, where he had worked for a time on the San Francisco *Herald*.[37] When he made his first assault on Nicaragua in 1855, he was given active support by a large part of the Democratic press of the State. The Democratic editors shouted the slogans of Manifest Destiny and claimed to be championing the spread of liberal institutions.

Thomas S. King was one of the first California editors to undertake a persistent campaign against those modern buccaneers and to give voice to a large segment of public opinion that was opposed to the plundering of small and helpless neighbors. King began his fight against filibustering in earnest in February 1857, when there appeared in a Sacramento paper an advertisement for five hundred recruits for Walker's army in Nicaragua.[38] The advertisement promised $20 per month pay, board and clothing, and 260 acres of good land at the end of a year. Walker's agents had been active in California for two years past and had lured many young men into an adventure whose most likely rewards were hardship, suffering, and death. The *Bulletin* raised its voice in protest against this newest attempt to raise recruits for Walker:

> The absurd plea of propagating liberal principles in a despotic country has long been at an end. The natives of all Central America are, to a man, violently opposed to everybody and everything American. It is, and we fear will long be with them, "war to the knife" against the Americans. What principle, then, may be supposed to animate the filibusters? Why, only an insane desire for personal adventure, for rapine and bloodshed. Hating honest labor, and despising slow though sure gains here, they seek for plunder elsewhere, and the robber's privilege to lay waste, to burn and kill. . . .[39]

Early in 1857 the *Bulletin* decided to send a special correspondent to Nicaragua to learn the true situation there. The filibuster papers had been publishing glowing accounts of Walker's successes and picturing the great opportunities that awaited those Americans who were willing to join him. There was enough evidence to believe, however, that Walker's situation was critical. In February the dispatches of the *Bulletin* correspondent began to come in, and proved that the suspicions of the paper were correct. Walker's army was threatened with military disaster, and he was being forced to extreme and cruel measures to prevent desertions. Many of his men, and especially his officers, were constantly drunk.[40] He was forced to capitulate in May, but even before this news reached San Francisco, it was evident from the *Bulletin* reports that his days were numbered. It was clear to the public that the *Bulletin* had given the true picture of the situation.

During this period another filibustering expedition, much closer to California, came to an even more disastrous end than did Walker's. On January 21, 1857, Henry A. Crabb left San Francisco with a force of men recruited in California, bound for Sonora to spread Anglo-Saxon civilization into that northern Mexican State. In April the Crabb expedition came to a sudden and inglorious end. It was almost totally destroyed; those not killed in battle surrendered and were executed.[41] News of the disaster caused a profound shock to Californians, for Crabb and many of the members had been well known and prominent in the state. The *Bulletin* blamed the tragedy on the filibuster press of the state, and while sympathizing with the victims, was inclined to regard it as a just rebuke to the filibustering spirit. "It is high time this lawless, marauding spirit of Young America," wrote King, "which has made the name of 'los Americanos' to stink in the nostrils of all Spanish America . . . should meet with a vigorous and lasting rebuke."[42]

While James King of William seemed to glory in his role of public monitor, his brother Thomas was never happy in it. Thomas King had never found congenial to his disposition "the excitement and incessant labor of conducting a paper in that fearless style and character that has always marked the course of the *Bulletin*," as he stated on his retirement in January 1859.[43] There had been plenty of excitement and danger, for he had not only inherited his brother's enemies but had made many new ones of his own. There were attempts to blacken his character and threats to assassinate him. His enemies investigated his past life in an effort to uncover some improper act that could be used to destroy the *Bulletin* editor's reputation. On February 3, 1857, James M. Estell, a state representative and also the state prison contractor, whose prison administration the *Bulletin* had been attacking, rose in the House chamber and made a number of charges against King's personal character which, if true, would have stamped him as a creature of the lowest moral order.[44] Estell had learned of King's separation from his wife in the East and had apparently manufactured out of whole cloth a vicious story that purported to explain the cause of the separation. As a member of the state legislature, Estell was immune from prosecution for remarks made on the floor of the House and was using his immunity to make a most cowardly and base attack on his opponent. King printed a full report of the speech in the *Bulletin* and then proceeded to gather evidence to sustain his character and to prove the charges wrong. He secured statements from a number of people who had known him before he came to California, including William T. Sherman, Edward F. Beale, and the Rev. Isaac H. Brayton.[45] A statement by the latter refuted one of the specific charges made against King. Sherman stated that during their service together in the army, King was honest and capable, his associates were good, and he had heard nothing against King's character.

Estell's own character was too vulnerable to engage in a public fight with a newspaper editor. The *Bulletin* had repeatedly attacked his administration of the state prison as criminally corrupt. On the day after the attack on King, the paper published a document drawn up by two leading citizens, after some months of investigation, which corroborated the *Bulletin's* charges and added some new ones. The most serious accusation was that Estell had taken two negro boys from the state prison at San Quentin, sent them by former Congressman Philip T. Herbert to New Orleans, and had them sold into slavery.[46]

Thomas King inherited an old enemy of his brother in the person of

Alfred A. Cohen, who had once challenged James King to a duel. As the result of a disparaging reference to Alfred A. Cohen in the *Bulletin*, his brother, Frederick A. Cohen, attacked Thomas King with a heavy hickory cane one night as the latter was going home from work. About 9:30 P.M. the two passed each other at the corner of Washington and Dupont Streets. After they passed, Cohen turned and struck King on the head, back of the ear, with the cane. As King staggered out into the street and was struggling to open his coat, Cohen struck him again. By this time King had succeeded in drawing a derringer and fired at Cohen, the ball striking him under the chin, drawing blood but doing no material damage. Cohen grappled with King, who tried to draw a second pistol but was pushed into a cellarway before he could do so. At this point the police came and both were taken to the police station, where each filed a complaint of assault with a deadly weapon against the other.[47] The charge against King was dismissed by Police Judge Henry P. Coon, but Cohen was brought to trial, found guilty of assault, and fined $60.[48] The following month the grand jury began an investigation of the case and brought an indictment against King for assault with a deadly weapon.[49] The foreman of the grand jury was Richard H. Sinton, a former member of the real estate firm of Selover, Sinton & Co., with whom the *Bulletin* had at one time been at odds. King was released on bail, but when the trial came up a month later, the prosecution entered a *nolle prosequi* and the editor was discharged.[50]

Only once during his career as editor was Thomas King challenged to a duel, although there is reason to believe that he would have been challenged many times had his enemies not been aware of his views on the subject. He often expressed his opinion that the so-called "code of honor" was uncivilized and barbarous. In August 1857, Joseph C. Duncan, editor of the San Francisco *Globe*, sent King a challenge for publishing a letter in the *Bulletin* referring to Duncan as a "swindler." The message was delivered by J. H. Merryman, Duncan's second. King refused to accept it and proceeded to treat the whole affair facetiously, referring to Duncan as "Don Quixote." Whereupon Merryman, feeling himself insulted by King's attitude, sent King a challenge himself. The editor treated this challenge as he had the first one and, in a long editorial on the subject, gave Merryman the title of "the second edition of Don Quixote."[51] Apparently the two injured parties were not prepared to press the matter with one whose view of the code was so unorthodox, and no more was heard of the affair.

On January 17, 1859, Thomas King sold his interest in the *Bulletin* to his partner, C. O. Gerberding, and in his farewell editorial announced his retirement to "the quiet of a country life." Against his own inclination he had assumed the responsibilities of an editor after the death of his brother, and now seemed only too happy to seek a more congenial employment. He was able to retire with a fair competence, for the *Bulletin* had prospered during the three years of his editorship. In a eulogy on the departing editor, *The Pacific*, a religious weekly, remarked that he was leaving behind many enemies, but more friends. Its summary of his editorial career was fair and just:

> Among those who left our shores by the last steamer, was Mr. Thos. S. King, late editor of the *Evening Bulletin*. For nearly three years he has occupied a prominent, as well as a responsible and stormy post. Behind him he leaves many uncompromising enemies, men who will carry bitter hatred against him to their graves. Men whom he has thwarted in their attempts at public plunder; whose iniquities of gigantic proportions he has attacked and exposed with merciless severity. They owe him no thanks, and time will never rub off the score they have against him. They must be glad that he is gone, and will doubtless pray that his shadow may never again darken the pave they tread.
>
> He has left behind him, also, many friends, more numerous by far than his enemies; as strongly attached to him as the latter are relentless and irreconcilable, besides a host of warm admirers and well wishers throughout the State. A massive gold watch and an elegant silver pitcher were presented him just before his departure, by the attachees of the *Bulletin*. . . . As an editor, he has been bold, fearless, and at times vindictive. As an advocate of the interests of San Francisco, he manifested a watchful and sleepless interest. As to his ability and success, very few, outside the circle of personal animosities, will question. Whoever may have been the autocrat behind the throne, and we have good reason to believe that he was the person, the *Bulletin* has wielded almost imperial power, and its influence has been always of a most *Kingly* bearing. . . .[52]

King left on the steamer for the East on January 20 with the announced intention of returning to California after a visit home and a few months' travel in the South and Midwest. He never returned, however, and passed from the California scene altogether.

After a few months of travel King settled down for some years in his old home town of Georgetown, District of Columbia. In June 1860 he was married to Miss Hester Berry, this being his second marriage.[53] During the Civil War King lost all his money in stocks and bonds, and in 1865, shortly after the war closed, moved to Buffalo, New York, where he became connected with the Buffalo *Courier*. He also became the Buffalo agent of the Associated Press and continued in that capacity for some years.[54]

Deserting journalism for politics, King was elected justice of the police court of Buffalo in November 1874. He continued as police judge for the next quarter century, winning one election after another until he was defeated finally in 1899. A very good description of King during this later period of his life was given in his obituary in the Buffalo *Commercial and Times:*

> In Buffalo Judge King was best known as the big-hearted, liberal-minded, independent ruler of the city police court for an even quarter century. His ability to administer justice rather than book law, and a strong personality won him more than local fame. For many years to think of Buffalo's police court was to visualize Judge King, a stocky, gray haired and keen-eyed old man, who looked over his spectacles at those arraigned or appearing before him and almost instinctively classified the unfortunates from the crooks and dealt leniently or firmly with them according to that classification.

After his defeat for police judge in 1899 King lived in retirement at Buffalo until his death. His eventful, often turbulent, life of eighty-seven years came to an end on April 10, 1911.

NOTES

1. Allan Nevins, *Frémont, Pathmarker of the West* (New York: D. Appleton-Century Co., 1939), pp. 349, 366; Theodore H. Hittell, *History of California* (San Francisco, 1897), III, 463; San Francisco *Daily Alta California*, May 22, 1856.

2. The few facts given here of Thomas S. King's early life have been taken from the following sources, in addition to those cited elsewhere: San Francisco *Daily Evening Bulletin*, February 5, 7, 16, 1857; obituaries in the Buffalo (New York) *Commercial and Times*, April 10, 1911, and San Francisco *Call*, April 11, 1911.

3. U. S. Department of State, *Register of All Officers and Agents, Civil, Military, and Naval, in the Service of the United States, on the Thirtieth September, 1847, with the Names, Force, and Condition of All Ships and Vessels Belonging to the United States, and When and Where Built; Together with the Names and Compensation of all Printers in any Way Employed by Congress, or any Department or Officer of the Government* (Washington, 1847), p. 142. Hereafter cited as Official Register.

4. Official Register, 1849, p. 146.

5. *Bulletin*, February 7, 1857.

6. *Commercial and Times*, April 10, 1911.

7. *Bulletin*, February 7, 1857.

8. *Ibid.*, February 5, 1857.

9. See, for example, editorial in *Bulletin*, June 4, 1856.

10. Concerning his customhouse employment, see *Bulletin*, February 5, 1857. The Official Register for 1853 lists only the top officials in the customhouse, but the next issue, that of 1855, gives a complete list of employees, including King, his position and salary. Official Register, 1855, p. 73.

11. A brief account of James King's banking career is in Ira Brown Cross, *Financing an Empire, History of Banking in California* (Chicago and San Francisco: S. J. Clarke Publishing Co., 1927), I, 57-58. See also King's statements in *Alta California*, July 26, 1855, and *Bulletin*, April 3, 1856.

12. In an editorial in the *Bulletin*, October 13, 1855, James King stated that his interest in the paper was held in his brother's name until certain financial matters could be settled. He also stated that his brother, "with a little help, has fed our whole family and clad our children for the last six months . . ."

13. *Bulletin*, December 1, 1855; January 8, 1856.

14. For details of the controversy and King's defense of Latham see *Bulletin*, May 6-14, 1856.

15. Reprinted in San Francisco *Daily California Chronicle*, May 15, 1856.

16. Hubert Howe Bancroft, *Popular Tribunals* (San Francisco, 1887), II, 37.

17. *Alta California*, May 15, 1856.

18. *Bulletin*, May 29, 1856.

19. The details of Terry's encounter with Sterling A. Hopkins, his arrest and trial by the Vigilantes, are given in Bancroft's *Popular Tribunals* and contemporary newspapers. Terry's adventurous career may be studied in the following: A. E. Wagstaff, *Life of David S. Terry, Presenting an Authentic, Impartial and Vivid History of His Eventful Life and Tragic Death* (San Francisco, 1892); Donald Whitney Wheaton, "The Career of David S. Terry" (unpublished M.A. thesis, University of California, 1921).

20. *Bulletin*, June 25, 1856.

21. *Ibid.*, June 24, 1856.

22. *Ibid.*, August 7, 1856.

23. *Ibid.*, August 18, 1856.

24. Bancroft, *op. cit.*, II, 36.

25. See, for instance, James Nisbet's statement in *Bulletin*, November 17, 1856, that the editorials were written by King or under his immediate supervision. See also King's statement to same effect in *ibid.*, April 23, 1857.

26. [Edward C. Kemble], "The History of California Newspapers," Sacramento *Daily Union*, December 25, 1858, p. 6, col. 3.

27. Bancroft, *op. cit.*, II, 216.

28. *Bulletin*, December 9, 1856. This public service was not wholly disinterested, as the *Bulletin* readily admitted later, for the city ordinances and legal advertisements of various sorts had a very definite news value. Also the gesture created good will for the paper. This does not deny the fact, however, that it was a public service. The *Bulletin* also offered its columns free of charge to the board of education and became the official organ of the board. *Ibid.*, January 12, 1857.

29. *Ibid.*, October 29, 1857; April 15, 1858, and subsequent issues.

30. Broderick's triumph is described at some length in James O'Meara, *Broderick and Gwin. The Most Extraordinary Contest for a Seat in the Senate of the United States Ever Known. A Brief History of Early Politics in California. Sketches of Prominent Actors in the Scenes, and an Unbiased Account of the Fatal Duel between Broderick and Judge Terry, Together with the Death of Senator Broderick* (San Francisco, 1881).

31. *Bulletin*, January 10, 1857.

32. O'Meara, *op. cit.*

33. Reprinted in *Bulletin*, January 15, 1857.

34. *Loc. cit.*

35. *Bulletin*, January 30, 1858.

36. *Ibid.*, April 30, 1858.

37. The best work on Walker's career is William O. Scroggs, *Filibusters and Financiers, the Story of William Walker and His Associates* (New York, 1916).

38. Reprinted in *Bulletin*, February 12, 1857.

39. *Loc. cit.*

40. *Bulletin*, February 27, March 3, 4, 1857.

41. *Ibid.*, May 14, 1857; Rufus Kay Wyllys, "Henry A. Crabb—A Tragedy of the Sonora Frontier," *Pacific Historical Review*, IX (June 1940), 183-94.

42. *Bulletin*, May 14, 1857.

43. *Ibid.*, January 17, 1859.

44. *Ibid.*, February 4, 1857; James M. Estell, *Speech of Gen. James M. Estell Delivered in the Hall of Representatives, Sacramento City, Cal., to a Question of Privilege in Connection with the Vigilance Committee* [Sacramento, 1857]. The name is sometimes spelled "Estill."

45. *Bulletin*, February 5, 7, 16, 1857.

46. Statement on Estell's prison management by Clancy J. Dempster and George R. Ward, two former leaders of the Vigilance Committee. *Ibid.*, February 4, 1857.

47. *Ibid.*, February 12, 1857.

48. *Ibid.*, February 14, 19, 1857.

49. *Ibid.*, March 12, 1857.

50. *Ibid.*, April 15, 1857.

51. *Ibid.*, August 6, 1857; *California Chronicle*, August 6, 1857.

52. *The Pacific* (San Francisco), January 27, 1859.

53. *Bulletin*, July 17, 1860.

54. The facts given here on King's later life are from his obituary in the Buffalo *Commercial and Times*, April 10, 1911, made available to the writer through the kindness of Mrs. Edith B. Krebs, of the Buffalo Public Library.

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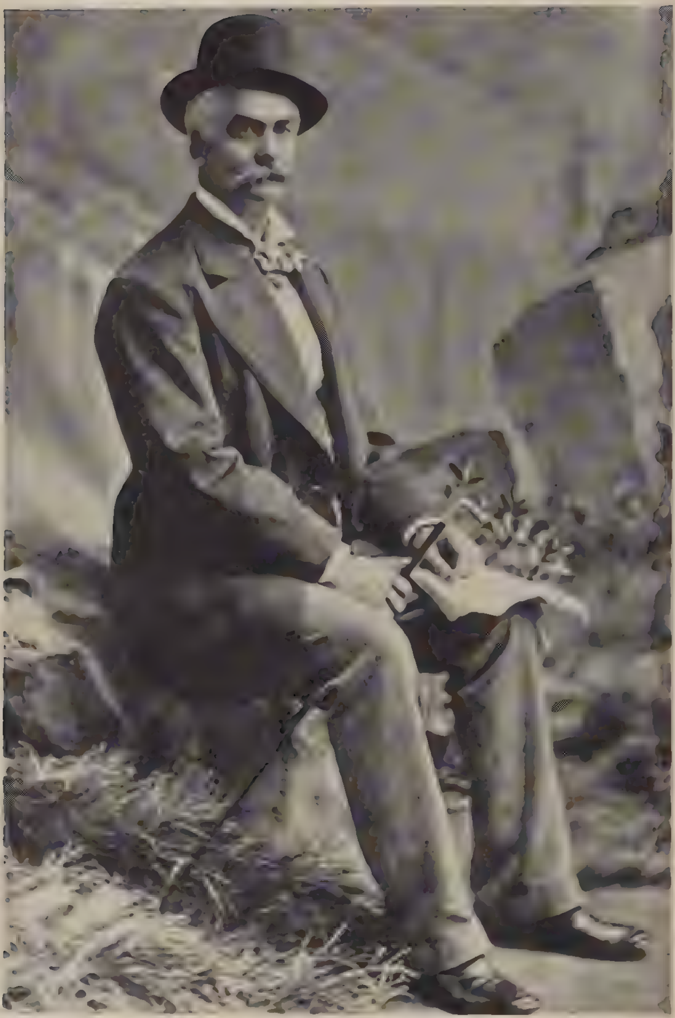

TOM MAGUIRE

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Tom Maguire, Napoleon of the Stage

By Lois Foster Rodecape

III. MAN OF AFFAIRS

THE Broderick-Terry duel was the last important "affair of honor" in San Francisco. An inspired rhymster inquired in a long poetic effusion published in the *Bulletin* of September 16, 1859:

> Who is't that seeks, in this enlightened age,
> In mortal strife his fellow to engage?[1]

The city had once nursed in its bosom a "professor of the Code of Honor" who would, for compensation ranging from $3 up, demand apologies or serve as proxy in the duel.[2] Now San Francisco suffered a revulsion of humanitarianism and banned the formal encounter in favor of more casual blood-letting.

By one man's death relieved spectacularly of his closest connection with the city's politics, Thomas Maguire did not, as did the reformers and newspaper editors, at once embrace a spirit of moral enlightenment.

During the first ten years of his residence in California, Tom had left his mark on many pages of San Francisco history: he had built theatres; he had flourished as a saloon proprietor; he had supported a frontier drama which was to have a more than local significance; and he had emerged, not entirely unsmirched, from early political affiliations culminating in the death of his friend David Broderick. But another phase of his activities cannot be slighted in drawing a portrait of the man Maguire.

No true politician, Maguire was an inveterate and born gambler, and so he remained, at least in amateur capacity, until his death. At the very inception of his career in San Francisco, he had enjoyed a professional connection with local gambling halls. His first theatre in 1850 had been merely an adjunct to the Parker House saloon and roulette trade. When he sold the Jenny Lind to the city in 1852, Tom was not torn between his love of the theatre and his love of gaming. (Like most saloon-keepers, he was at least temperate in his drinking.) He was anxious to find another site on which to erect a new and similar theatrical establishment. According to reports,[3] no appropriate site was found available, and Maguire fell back for a time into the ranks of saloon-gambling-hall proprietors.

During the summer of 1852 competition had been brisk; there had existed in San Francisco 350 licensed bar-rooms and 18 gambling houses.[4] (It has been estimated that, two years earlier, there were probably hundreds of each in actual operation.[5]) While the Dashaway Society and certain public-spirited citizens had campaigned against strong drink, other salvationists had begun a war on gambling in the young fifties and had won a victory of sorts when, in early 1855, they succeeded in forcing through the state legislature in Sacramento an anti-gambling law, to go into effect on May 17 of that year. The famous El Dorado was indeed closed, but gambling still held its own: the *Bulletin* moaned, "the only effect . . . seems to have been to drive gamblers to the second and third stories."[6] Another and more stringent law passed in 1857[7] seems to have won little attention; it was modified into inanity in 1860,[8] and not until 1873 was an effective anti-gambling regulation produced in California.[9]

The owners of "gambling hells," as they were familiarly denominated by the newspapers, were not anxious to receive publicity in public prints. When police raids were conducted, players and dealers were arrested, assigned individual fines, and freed. No police action seems to have extended to the owners, who perhaps took precautions that they might remain unknown to the general citizenry. The details of Maguire's activities as a gambling proprietor are therefore necessarily vague and undocumented.

Some time after the debacle of the Jenny Lind III, Maguire became co-proprietor of a popular gambling hall called "The Diana" (named for a "classic" game in the halls). A post-mortem biography of Maguire states that "if the truth must be told," most of his wealth came "from the returns of the Diana gambling rooms" attached to the Opera House:

"It is a well known fact that his partner in this concern . . . paid him over a million dollars in less than a year as his share in the gains from the gambling tables of the Diana."[10]

Pauline Jacobson twenty years ago delved into the unwritten history of The Snug, Maguire's Opera House saloon.[11] In the gambling rooms in the rear, she says, Maguire's brother first, and later the future Senator Timothy McCarthy,[12] offered entr'acte sport for gentlemen in attendance at the theatre. "Here the dealers, as was the custom of the day, went clad in long linen dusters with short black masks to the face, for the purpose of concealing identity."[13]

The drama of the day seems not to have been confined to the playhouses.

Nevertheless, gambler Tom Maguire turned more and more to the theatre, where he took many a long chance and lost much good gamblers' gold. And a biography of this "Napoleon of the Stage" must be primarily concerned with the theatre of the day, with the dramatic annals of a period now gilded and clouded by intervening years.

* * *

Despite mud and squalor and primitive discomforts, despite persistent salvationist efforts of reformers, the San Francisco of the late fifties was romantic, colorful, and exuberant. On the one hand, there were the disreputable but dashing men-about-town, who were constantly reproved by staid citizens for reckless driving through the muddy or cobbled streets, who foregathered at public saloons, saluted life gaily, and honored their ladies with extravagant courtesies. As for the ladies—how can an era remain commonplace when hoop-skirts and monumental structures in muslin, brocades, and velvets conceal and voluptuously distort even unlovely bodies to a semblance of fantastic beauty?

Literary wits found high sport in lengthy comments on female costume of the day. According to a newspaper item, a Louisville (Kentucky) theatre manager in 1858 complained that "a bench which seated ten ladies formerly, will now contain but three, and then only at the expense of a fearful crush of crinoline." (This iconoclast, indeed, sent forth an edict that "where ladies take up more room than one person is justly entitled to, they shall pay extra for their seats.")[14]

During the month which saw the opening of Maguire's Opera House (November 1856),[15] a typical source of gossip in social circles of San Francisco was the romantic custom of some high worthy who attended Mary Provost's performances at the American Theatre each night and each night cast upon the stage from a curtained box a single white rose.[16]

It was a period of swaggering romanticism, and handsome Tom Maguire was probably as romantic a swaggerer as the town or state could boast. But Tom Maguire, the dude, the gambler, was also a business man. Throughout the late years of this first decade he blustered and cajoled his way to an enviable position in fields of finance and drama.

While his friend Broderick was buying and bludgeoning his way to political success in the late fifties, Maguire was blazing his own spectacular trails in the dramatic field. Gradually the program and scope of the Opera House was being expanded to embrace more varied activities, to appeal by turn to all degrees of audience discrimination.

For several months following the opening of the Opera House in November 1856, the San Francisco Minstrels continued to perform. In March, however, inaugurating his policy of expansion, Maguire sent the minstrels on tour up-state, while he presented an imported novelty—Jacobs, the Wizard of Wizards. In the thirteen nights of his engagement, Jacobs was advertised to have played to 14,645 persons.[17] He was followed by a splendid stock company starring lovely Julia Dean Hayne[18] in competition with young Junius Booth and the Chapmans (William and Caroline) at the Metropolitan.

In April the minstrels returned, and at the end of the month Messrs. William Birch, Richard Hooley, and Samuel Wells took over control of the Opera House.[19] Maguire was planning to begin importation of theatrical talent on a vast scale. After a Grand Complimentary Testimonial in his honor on May 2,[20] Maguire sailed for the East via Panama in that spring of 1857, bedecked, it is said, with gold and diamonds in token of his seven-year (though not unadulterated) triumph in California. He was accompanied by "Little Em," a firm and competent aide in his success.

The Maguires enjoyed a busy interval in New York, visiting old friends and relatives. Mrs. Maguire spoke later of seeing David Broderick, then newly elected United States Senator, in New York[21]—this meeting marked the coincident return of three rags-to-riches Tammanyites. Mrs. Maguire, perhaps Tom also, then sailed to Europe after negotiations in New York City. A later star told of meeting Mrs. Maguire in London armed "with an inexhaustible purse."[22]

In July Mrs. Maguire returned to San Francisco on the *John L. Stephens*[23] and took over from Hooley the management of the Opera House. The minstrels were replaced by Jacobs in a return engagement. At the other theatres a midsummer burst of activity had brought to San Francisco pretentious plays and stars: John E. McDonough, Mary Provost, Annette Ince, Mrs. Hayne; but in August there was a lull accentuated by the unfortunate destruction of the Metropolitan Theatre in a fire on August 15. The newspapers announced that the house, which had cost $80,000, had been a losing investment for some time.[24] Only the exertions of the fire laddies effected preservation of the Opera House nearby.[25]

So Tom returned in September 1857,[26] to find the theatrical picture changed. A great financial depression in the East was already communicating itself to the West.[27] Except for the Opera House, the American was the only first-class theatre available in San Francisco, and its financial situation was none too good.[28]

In the face of these conditions, Tom Maguire proceeded undismayed with his expansive theatrical program. In swift succession he presented stars from the East, dazzling the city into enthusiasm and miraculously extracting profit from the drained purses of its inhabitants. Mlle Marie Duret served as an appetizer, opening in "Camille" on September 22, drawing "excellent houses." On October 7 the first of the imported stars appeared—Emma Stanley, monologist—who was greeted by a "throng of beauty, fashion and intelligence."[29] Two weeks later the minstrels returned (Billy Birch had gone east to seek his fortune, but Charles Backus, Sam Wells, and other stand-bys remained). In November Annette Ince was booked for a stock-company engagement, and two more new stars appeared: Harry Courtaine, of the Drury Lane Theatre in London, and his wife, Emma Grattan.

Harry Courtaine was destined to be one of the most colorful figures of early San Francisco, rivaling even Maguire. Charming, extremely versatile in a day when actors were specialists, unusually gifted and imaginative, Courtaine won an unsavory fame as one of the world's worst drunkards. Again and again, in years to come, he was to fall from grace, ignoring current responsibilities and commitments, ending his sprees in the city jail in disgrace; then, sober, he was to be forgiven and reinstated, because no manager ever found another actor who could play so many different parts so well.

A few weeks after his arrival in San Francisco Courtaine suffered his first lapse from grace. According to one account, he was arrested at Maguire's request for beating his wife while intoxicated.[30] Courtaine's fellow actors, in an access of sentiment, bailed him out. Courtaine was unrepentant, and Pauline Jacobson records that Maguire called his company to account as follows:

> "Well boys . . . you've seen fit to bail Courtaine out and to undo my work. You have done him a great injury. If you had known the character I received with him from London you might not have been so hasty. I cut him short, as I was advised to do, as the only means of keeping him at work. Your action has upset the whole business. Good morning." And Maguire turned on his heel in disgust.[31]

In any case, Courtaine continued to break into print in such colorful episodes for many years. Miss Jacobson says that one cell in the local jail was actually named for him.[32]

In January 1858, another foreign luminary made a great success at Maguire's Opera House. This was Mrs. John Wood, comedienne, whose specialties were sprightly comedy, the particularly charming burlesque-plays of the period, and musical comedy or light opera. Her "refreshing vivacity" and "sprightly abandon," the grace and "tolerably outrageous" humor of her extravaganza parts, captivated San Francisco during a forty-four-night run of "unexampled success."[33]

In March Mr. and Mrs. James Wallack were much less popular in sober tragedy, and Mr. and Mrs. Wood returned for another triumph before Maguire closed his Opera House for remodeling in April 1858.[34]

With the Metropolitan gone, several smaller theatres had popped up for more or less lengthy existence and more or less serious entertainment.

The Melodeon was opened in December 1857,[35] catering to low-brow tastes, followed by the Olympic (late the Union).[36] In January 1858, the old Bella Union reopened as a melodeon.[37] The Lyceum was inaugurated in March by John Wilson[38] and came closest to offering competition to the Opera House, except for intermittent essays at the old American.

But Maguire now enjoyed the responsibilities and advantages of a sizable organization for entertainment. His imported stars represented a huge gamble, since he paid top prices, guaranteed engagements, and was under the necessity of changing programs frequently. It was logical that he should expand to form a theatrical combine extending over all of northern California.

In 1855 Maguire had opened a new playhouse in Sacramento.[39] In 1858, Tom was reported to have rented both large theatres in Sacramento, in order to avoid competition on the arrival of Mrs. Wood at the local Forrest Theatre.[40] After this expansion, not until 1859, when John Wilson took over the National Theatre in that city,[41] did he suffer any serious competition, and that for only a few weeks.[42]

Meantime Maguire had ventured into other cities in the interior. His purpose was, obviously, to provide an outlet for players he held under contract. But the result was a theatrical monopoly which found bitter opponents in California. Said the Sacramento *Bee*, in February 1858:

> Maguire now has the best stock company in the State under engagement—and has control of all the prominent theaters, and with the "stars" that he imports from the Atlantic States, may be said to have a complete monopoly of theatricals in California. While such an arrangement will insure to theatre-goers a superior class of entertainments ... it will have the effect to throw out of employment a large number of actors who will either have to seek other business or starve.[43]

But, as we have said, Maguire had his own problems. He was under obligations to keep new talent on tap for his string of houses, to pay heavy expenses of an agent in the East, to placate temperamental actresses engaged at sums far beyond their usual returns, and to keep his organization fluent so that one actor's failure might be quickly obliterated by another's success. The *Herald* of August 23, 1859, reported that John Connelly, agent for Maguire, wrote from the East that he had just hired the Western sisters, Lucille and Helen, and Mr. and Mrs. William J. Florence under contract of $10,000 apiece for engagements of 150 nights. No wonder actors as far away as London "spoke of California as the Elysium of the professional artist."[44]

Throughout his distinguished career, Tom Maguire's enterprises were to be enlivened constantly by episodes more humorous than admirable, less dignified than human. Tom was never humble, always ready to stiffen at the drop of a hat—his genial good nature was offset by an almost vicious temper when he felt himself wronged.

One little episode of typical character brightened the interval of remodeling the Opera House in the spring of 1858.

On May 3, 1858, the *Bulletin* carried a news item to the effect that Thomas Maguire had that morning been arraigned in the police court on two separate charges: first, that he had threatened one Ross M. Adams (that "if it would not cost over $500 he would batter his face so that he would not do any more business"); and second, that he had assaulted William M. Barker. The first charge was dismissed on Maguire's apology, while the second was continued on failure of the complainant to make an appearance. (Barker was one of the members of the minstrel troupe, and possibly company discipline later prevailed in the matter.)

But the next day's paper contained a fuller account of the Adams dispute:

> THE DIFFICULTY BETWEEN MAGUIRE AND ADAMS.—The difficulty between Thomas Maguire and Ross M. Adams, the hatter, which gave rise to the prosecution of Maguire in the Police Court, for threats yesterday, was caused by a desire on the part of the former to obtain possession of the store of the latter, which is next the Opera House. It appears that Maguire leased the Snug saloon and this store room to a third

> party, who sub-leased this store to Adams for a term expiring next November. Adams claims not to know Maguire at all, as his lease was made with the third party. . . . It seems that on account of improvements in the Opera House, the proprietor wants this store for the purpose of making a second entrance. It appears that Maguire offered Adams $150 to move; but the latter claimed that this would not be enough . . . offered to go for $250 and one month's rent, $60. . . . The matter . . . is now pending before a Justice's court, where an action to gain possession has been brought.

Maguire was still further enlarging his Opera House, adding a second tier of boxes in the auditorium, installing a ventilator, enlarging the stage, and redecorating the whole house. Completed, the building was to seat 1,700 people instead of the former 1,100.[45]

The matter of Maguire's dispute with Adams, the hatter, was not settled until two weeks after the reopening of the theatre, although Maguire seems to have ignored Adams' claims as he proceeded with his remodeling. It is easy to read between the lines, to imagine the carpenters hammering in Adams' stubborn ears as his shop was rebuilt over his head. A brief item in the *Bulletin* of May 20 gives evidence of the abused haberdasher's final capitulation:

> A NEW ENTRANCE TO MAGUIRE'S OPERA HOUSE.—A new entrance to the "Family Circle" in Maguire's Opera House was opened last evening adjoining the entrance to the "Dress Circle." The new entrance is fifteen feet wide and goes through the store lately occupied by Ross M. Adams, the hatter, who moved out the previous evening.

The Opera House had been reopened on May 6, the rather unpopular Wallacks appearing in "Civilization." Junius Brutus Booth, Jr., had been engaged as stage manager and member of a good stock company which also included the beloved local character actress, Mrs. Marietta Judah (Mrs. John Torrence). The Lyceum offered mild rivalry to the older house, the same plays several times being advertised simultaneously ("The Brigand" on May 9; "The Poor of New York" on May 15 and 16). The contest was closed on May 17 by the brief return of Mrs. John Wood, the inimitable, to the refurbished Opera House. But the Lyceum continued to vie with Maguire's for the city's favor, neither house suffering particularly from occasional competition of the American under different managers (indeed, Maguire himself seems to have utilized this house at intervals, in addition to the Opera House). The newspapers spoke now of "these flush times for hotels and theatres."

John Wilson's Lyceum and Maguire's Opera House were both pioneering in the matter of Saturday matinees during this period, while Sunday performances also increased the burden of the busy performers. Another wave of protest against Sabbath desecration resulted in arrests in June, but a decision of the Supreme Court outlawed the Sunday prohibition in the same month.[46]

Maguire was expanding his interests constantly, and his name was often in the public prints, in more or less savory connection. Thus in March 1859 a Shakespearean actor named James R. Anderson arrived in San Francisco, and some dispute ensued as to whether he was or was not under commitment to Maguire.[47] He finally signed up with Wilson at the Lyceum, and subsequent events seem to indicate that Maguire had mistaken his identity.[48]

In April 1859 the Opera House was again redecorated elegantly: "... The entire house has been repainted; the ceiling is frescoed with a number of figures of cupids and angels. New and beautiful pictures adorn the arch over the proscenium; the front of the dress circle is painted with highly colored flowers and birds, in light and elegant designs, on a pure white ground ..."[49] An advertisement in the *Herald* further elaborated: "The interior has been magnificently decorated, the dome and circles in the rich and gorgeous style of the reign of Louis XV.... The Proscenium Arch represents the Chariot of Phoebus, and above that the Heraldic Eagle, with flags and general national trophy."[50]

Throughout the last years of the decade, Maguire rotated entertainment features so as to give San Franciscans, as well as upstaters, the greatest possible variety. Highlighted attractions at the Opera House from the time of the 1858 remodeling to that of 1859 illustrate to the dramatic historian, at least, the catholicity and quality of his offerings:

May 6, 1858[51]	Mr. and Mrs. James W. Wallack
May 17	Mr. and Mrs. John Wood
June 7	George Christy's Minstrels
July 26	Mrs. John Wood
September 13	Combined Christy's and San Francisco Minstrels
October 18	Stock company, later with Mrs. Wood
November 8	Gougenheim Sisters, Josephine and Adelaide
November 29	Mr. and Mrs. John Lewis Baker
December 6	Mrs. John Wood
January 3, 1859	Mr. John Collins, Irish comedian (John Drew opened in competition at the American, was later at the Lyceum)
February 1	James Stark and a fine stock company
February 9	Gougenheim Sisters
February 23	Webb Sisters, Emma and Ada
March 7	Avonia Jones

During the year, Maguire had run the gamut from sensationalism to subtlety. He had a knack of returning successful stars while the fickle public was still avid, of reshuffling his cards so that novelty attractions added spice as theatrical appetites dulled. He was not without strong competition, but stood his ground firmly and continued his policy of signing stars from abroad and from the East. (John Connelly, his agent, and Mrs. Maguire both took the long sea journey east, and Connelly continued to England, in 1859.[52])

But Maguire's besetting sin, professionally, was always to be his love of grand opera. Natural instinct and knowledge of public taste combined to give him a peculiarly effective sense of dramatic values; yet neither expostulation nor experience could persuade him that grand opera was not his *forte*. He took his stand and many heavy falls with grand opera in San Francisco. Nevertheless he was to return to his secret love again and again.

In the late spring of 1859, after the reopening of the increasingly resplendent Opera House by a fine stock company under Lewis Baker's direction,[53] Maguire proceeded to venture into the field of opera. In May he was announcing performances, at 50¢ and $1 admission, by an Italian troupe headed by Eugenio and Giovanna Bianchi,[54] and was anticipating arrival of an entire new company from New Orleans. Alternating "black opera" with "white," he then presented the Bianchi troupe in "Il Trovatore" and other favorite operas at intervals of several days, the San Francisco Minstrels filling in between.

At the end of May, with a suddenly cancelled performance,[55] a hint of possible ill feeling among the opera performers found its way into print. The newly-arrived Lyster English Opera troupe stepped in,[56] while the disgruntled Italian opera company announced a competing season at the American.[57] In June, on the occasion of Signor Bianchi's opening opera at the rival house, trouble stirred again. Maguire entered a court complaint charging Bianchi with grand larceny, the dispute involving some $400 worth of sheet and book music.[58] A few days later, Maguire having gone to Sacramento on business, his brother John appeared for him and identified a small amount of music allegedly the rightful property of Maguire.[59] The hostility dwindled, as did the Italian Opera Company's success. All personal disputes finally paled beside the city-wide excitement at Senator Broderick's death.

Other experiences more happy in effect resulted from Maguire's theatrical negotiations. Most actors and actresses brought to California by Maguire were loud in praises and jubilation, many times retiring with substantial wealth and affection for their manager after California sojourns.[60]

A detailed account of Maguire's arrangements with "Professor" John Henry Anderson, "Wizard of the North," formerly a London theatrical manager, was published by Anderson in a paid advertisement of January 23, 1860.[61] Anderson made a number of interesting statements: that his offer from Maguire "was larger than I had ever before been offered"; that, arriving without advance information or a definite dated contract, he had found Maguire "most frank and honorable . . . incommoding himself greatly to prevent my being inconvenienced"; that he felt "I owe him a very large debt of gratitude for his gentlemanly and kind conduct, and I am glad of heart to know that he has reaped his recompense." Details regarding this "recompense" are also interesting: Anderson states that his thirty performances, "magical" and dramatic, had attracted an aggregate of 46,640 persons (this in a city of 90,000), total receipts $31,895. We cannot be amazed at Mr. Anderson's description of San Francisco as "one of those bright spots which form the oases in the wide-spread desert of the world," since his first month in this strange land had proved so profitable. (On his departure in May 1860, Anderson wrote and published a valedictory in which he stated that he had amassed in California sufficient funds to realize the dream of his life, the erection of his own theatre and museum.[62])

Nor was Maguire held without honor among local players, who found him generous, kindly, and shrewd in his dealings. Possibly the popular "complimentary testimonial benefits," of which Maguire was the occasional recipient, represent a somewhat impressed gratitude, but they cannot be altogether discounted as witnesses of professional respect. The following flowery preamble is representative of the published correspondence usually attendant on a "complimentary testimonial benefit":

> Being desirous of tendering you a substantial token of our appreciation of the generous manner in which the affairs of the Opera House has [*sic*] been conducted under your proprietorship, and of evincing our regard for you as a Manager and a man, and of our approval of the untiring energy and sagacity which has made, and still maintains, your Theatre first and foremost on the Pacific coast—we, the undersigned, with an earnest appreciation of the integrity evinced towards us in our business relations, oft-times in the fierce opposition of theatrical rivalry at a pecuniary sacrifice to yourself . . . [etc.][63]

This wordy document, prepared on the occasion of a benefit for Maguire in the spring of 1860, was signed by actors and musicians currently employed at the Opera House, as well as by some thirty others who volunteered services.

Maguire already was in the habit of employing competent secretaries; his reply, published, as customary, below the complimentary letter to himself, is likewise a masterpiece of epistolary art, attributable to Tom's current amanuensis:

> LADIES AND GENTLEMEN:—
>
> I have received with great pleasure the friendly and flattering testimonial of your good feeling, and assure you that the cordial and unanimous manner in which it is proffered gives it an additional value in my eyes. The vicissitudes of Theatrical proprietorship are often such as to try the temper and tax the patience as well as the purse of the director—and, in an honest desire to satisfy the public, he may, at times, unwittingly, misconstrue those who are professionally connected with him in that pleasing though exciting task. The generous proposal of your services for a Complimentary Benefit, convinces me that you have justly appreciated my motives, and it affords me the highest satisfaction to know that I have been willingly and ably seconded by you on all occasions. In the hope and belief that our united efforts will keep the Opera House, what it has ever been my aim to make it, the first place of intellectual amusement on the Pacific coast; and, with sincere wishes for your individual welfare, I will name the evening of Thursday, April 26, for the proposed testimonial.
>
> Your manager and friend,
>
> THOS. MAGUIRE.

Maguire was also building up local reputation of some solidarity among business men of the state. Gambler or no, educated or not, Maguire was known to possess many enviable qualities of success. As the *Herald* remarked on one occasion: "Surely, Mr. Maguire gives every evidence of zeal, energy, and enterprise."[64]

In addition, Mr. Maguire's bank account was more than pleasantly plump. An acquaintance remarked, years later, that: "At any time during a dozen years or more Maguire, it is said, could have cleaned up and quit with a cash fortune of $1,000,000."[65]

IV. WIDE HORIZONS

The first five years of the sixties marked, for Maguire, the high period of his career as an impresario in San Francisco. During this space of time he owned or controlled most of the important theatres in the state; employed well-versed representatives to keep their knowing fingers on the pulse of the English-speaking drama in America, Europe, and Australia; reached the peak of his aspiration to sponsor the more aesthetic activities of the theatre in his day. During these five years, in brief, he realized a dream and lost a fortune.

The Maguire of this period was in his full dashing maturity. Legend and history agree with regard to his handsome, gallant appearance, his "faultless attire," marked usually by a large diamond in his scarf, another on his finger, "a massive watch chain and charm athwart his waistcoat."[1] Maguire kept his young bearing for decades, was sensitive about his age and never admitted to more years than necessary; he nursed a heavy moustache and a thick head of hair "which, when it turned white, was said to have been like spun glass."[2]

Every ordinary morning Tom appeared in front of the Opera House on Washington Street at about eleven o'clock, "holding his levees on the curbstone."[3] Here he gave audience to petitioners, would-be employees, business men. George Barnes reminisced of him: "You might as well have tried to get him inside a church as to enter an office for business purposes in a regular way."[4]

Barnes recounts several illuminating tales of the Maguire of this heyday. The first is illustrative of his casual generosity.

It seems that Maguire was one day "airing his hair and pulling his moustache on the sidewalk" when he was approached by a shabby but neatly dressed woman. This was a period of Sunday Blue Law enforcement and, it appeared, the lady in question was timidly bent upon trying her luck as a Sunday lecturer on spiritualism—a popular subject for years in mid-century—hoping to catch some of the Sunday trade. She wanted to rent the Opera House for her venture.

"How much will the rent be?" asked the applicant.

Maguire, never very talkative, eyed the woman speculatively.

"Got any money?"

"No; but I expect to make the rent and a trifle over, if you will be kind enough to let me have the house."

"Oh, you can have the house fast enough. The rent is $50."

So the lecture was advertised and delivered. The next day the little woman approached Maguire as before, offering payment.

"How much did you take in?" asked Maguire.

"Sixty dollars," she replied.

"Is that all? Well, I don't need the rent just now. You take that $50, add some attraction to the lecture, music or something, and probably you may do better next Sunday."

Maguire was a true prophet; the second lecture brought in over $100. But when the woman came to pay him, Maguire was brusquely kind:

"Now, my good woman, I advise you to take that money and buy yourself some good clothes. You may be able to give me the rent by and by, but I do not need it at present."[5]

Such personal kindnesses contributed in large measure to the good-feeling San Franciscans held for Tom Maguire. But we should not mistakenly suppose that Tom was entirely reformed from his earlier wild ways; he had many hearty enemies as well as hearty friends and loyal employees. With success and maturity he was no more ready to ignore impudence or dishonest practice directed against himself than he had been as a hackman in the streets of rowdy New York. His everyday affairs, never what might be called "routine" in character, were still bestarred by episodes semi-scandalous, which amused local citizens and offered eastern news readers confirmation of California's boisterous barbarism.

It is said that Maguire, returning to New York in the early sixties with pockets full of gold, diamonds and jewelry in open display, was robbed by hackmen in the course of night rounds to gay spots. Protesting that he had once been a New York cabman himself, Maguire confessed himself overruled when the drivers claimed the spoils because "Maguire was rich and could stand the loss." He made no complaints against the culprits.[6] But Maguire was rarely so meek. His fists were ready, his temper hot, and he was haled into court again and again for taking vigorous exception to action and speech of those with whom he was in controversy.

Yet by no means do these obvious and broad strokes of hearsay and history describe Maguire. Behind the generosity, the showmanship, the self-made man's pride, the fierce resentment of injury, was a shrewd brain—two shrewd brains, for Mrs. Maguire was by many considered to be the power behind Maguire's throne. Many enterprises were handled in the growth of the expanding empire Maguire built up. The *Californian*, early weekly "literary" magazine which boasted Mark Twain and Bret Harte among its writers, in the mid-sixties paid tribute again and again to the courage and professional honesty, the vision and extent of enterprise, of Tom Maguire. With justification one writer compared his activities to those of a super-chess player.[7] In periods of ill-fortune, Maguire continued to pay high salaries to idle stock actors until he was able to utilize them; he engaged the most celebrated men and women in the profession, was complimented constantly on his courteous and thoughtful treatment of them. It was Tom Maguire who built up most of that golden legend of the drama in Gold Rush Days and sustained it.

At the turn of the new decade, appearances seemed to point to a relaxing of Maguire's pre-eminence in the higher reaches of dramatic production. John Lewis Baker, as manager of the American, had secured the great Shakespearean actor, James Henry Hackett, at this time sixty years old, and for a fortnight in January 1860 held the field against Professor Anderson at Maguire's Opera House. But such opposition was unstable and spasmodic; in February Baker was announced as stage manager of a new venture at the Lyceum under Booth and George Ryer, and the Opera House recovered the spotlight as the English Opera Troupe returned for another season and Hackett followed them on Maguire's boards. Maguire continued to alternate attractions in quick succession; and if San Francisco was capricious in her tastes, Maguire's policy anticipated her whims. What could have offered more variety than a season with William Birch and Joseph Murphy's Minstrels, a Chinese troupe, a newly imported opera company, and a rousing season of stock drama in succession?

The late spring and summer of 1860 at Maguire's Opera House were particularly noteworthy because of the apparent success of the opera season which opened on May 19. The new troupe, directed by William S. Lyster, included several new stars: Henry Squires, Lucy Escott, and Juan de Haga; and reintroduced an old one, Mme Elisa Biscaccianti.[8] The season continued until July 20, when the troupe traveled to Sacramento for an engagement. Said the *Herald:*

> The company have recently passed through one of the longest and most successful operatic seasons ever given anywhere. For sixty-five successive nights the house has been crowded, and they only ceased from sheer exhaustion, being compelled to take some respite from their incessant labors. No other city in the known world can compare with San Francisco in its support of the opera.[9]

Doubtless this account was exaggerated in the interest of civic pride, but the results were at least rosy enough to fill Maguire with false confidence in San Francisco's taste for operatic entertainment.

Less ephemeral was the success of a stock company headed by Charles Wheatleigh, which offered the Dion Boucicault plays popular on Broadway at the time: "The Colleen Bawn" and "The Octoroon; or Life in Louisiana." Supported by Agnes Land (who was later to become Mrs. Harry A. Perry, and still later Mrs. Booth), her future husband Junius Brutus Booth, Jr., and, subsequently, Jean Davenport, and with a careful selection of local stock players, Wheatleigh in Boucicault's "The Octoroon" had an "unparalleled success." This piece, dealing with currently debated race problems and slavery conditions, had created a furore in the country during the six months preceding the California production. Certain citizens in San Francisco branded the theme as "disgusting" and "atrocious."[10] But the audiences, like modern playgoers, found appetites whetted by controversy, and, in a broken run (interrupted by other pieces, a brief classical repertoire introducing Miss Davenport, and a repeat opera season of brief duration) the drama actually found favor for a total of twenty-three nights—by far the longest run accorded any play in the city up to that time.[11] Another Boucicault play, another Wheatleigh season, were to break this record decisively a few years later.

With little sustained competition, Maguire rounded out the year 1860 by offering Mrs. Julia Dean Hayne in drama, then more opera, and finally the renowned Martinetti-Ravel[12] troupe of pantomimists and dancers in December. The "dramatic king"[13] pushed forward with new impetus, and Mrs. Maguire sailed for the East in January to sign up new recruits to Maguire's ranks.[14]

The success of "The Octoroon" in San Francisco offered evidence of the interest with which Californians were watching the slavery question and political affairs in the East, where Civil War had blossomed suddenly. Like many others of the newer states, California was torn between factions, and there were many strong Southern sympathizers on the West Coast. The presidential election found sentiment very close, Lincoln's local plurality amounting to only a few hundreds of votes.[15] Gradually, as hostilities became inevitable, the Union spirit grew stronger, and Secessionists argued their cause only in peril of violence.

The year 1861 saw the completion of the transcontinental telegraph and the passing of the Pony Express.[16] At the same time a tremendous change in local affairs was wrought by the silver strikes in Nevada, San Francisco greedily shouldering much of the burden, glory, and profits of handling and shipping the new treasure. By 1863 the success of the Comstock mines was at its first height and California glowed with reflected fever.

Throughout most of the year 1861 Maguire's theatre held top place in local favor, despite spasmodic competition from the American and from lesser melodeons and variety halls. In June, Wheatleigh returned to pile new figures on those already recorded for Boucicault dramas,[17] and in July[18] young Joseph Jefferson, in his thirties, mildly amused the somewhat apathetic San Franciscans in humorous character parts in which he later became a national favorite.

But in the spring a new theatre had appeared upon the scene—a new Metropolitan erected on the site of the old one by John Torrence, that enterprising capitalist who had prospered considerably since his introduction to

San Francisco as Maguire's "machinist" at the Jenny Lind. Torrence had commenced with the announced purpose of duplicating exactly the old Metropolitan Theatre. He opened his new house on June 15, 1861, claiming in his company a number of established local favorites: James Stark, Harry Courtaine, David C. Anderson, Frank Mayo, Josephine Gougenheim, and, of course, Torrence's popular wife, the character actress Mrs. Judah. Other players were wooed from Maguire's folds, Wheatleigh and Julia Dean Hayne appearing at the new house in August. It was inevitable that Maguire and the rival management should come to blows.

Maguire was never very scrupulous about obtaining potential "hit" productions, sometimes paying as much as a thousand dollars for a pirated copy of a sensational play. He was protected for the most part by provincial tradition and by his aloofness from those eastern theatrical centers where authors and managers endured closer scrutiny by copyright holders. Maguire had made a very good thing of the Boucicault plays, to which Wheatleigh claimed local rights. Boucicault was in the East or in Europe; many rehashed versions of his popular pieces had been bruited about by inferior companies without penalty; the British Boucicault himself had had difficulty in obtaining rights to his American-born plays in England, and vice versa. Obviously the situation postulated opportunities for quick tricks and agile maneuvers.

The Metropolitan had announced Boucicault's "The Colleen Bawn" to open on August 29. Maguire presented the play on the 28th; William O'Neil, Irish comedian, played Wheatleigh's old part. Retribution was swift; on August 31 an injunction was issued to restrain Maguire from offering the drama, to which Wheatleigh claimed sole rights. Wheatleigh declared his wrongs in the United States Circuit Court, naming Maguire, William O'Neil, Agnes Perry, J. B. Booth, and Felix B. White as the wrongdoers.[19] The *Bulletin* commented acidly:

> This injunction comes a little late, as the *Colleen Bawn* was performed at Maguire's on Wednesday, Thursday and Friday evenings. Maguire may think he has accomplished his object of spoiling the piece for the Metropolitan for some time to come, but on the other hand if it was put upon the stage at much expense all the remuneration he gets is what three nights of not overcrowded houses gave him.[20]

The *Bulletin* did not recognize the undoubted satisfaction to Maguire of this more or less successful *coup*. "In consequence of unforeseen circumstances" the Opera House was then closed for one night, reopening with the "magnificent drama" and novelty of "The Seven Sisters," a spectacle piece which had enjoyed a long run in New York at Laura Keene's theatre, and which boasted one of the first choruses—"sixteen young ladies in a Zouave drill."

The Metropolitan continued under various managers and with varying degrees of success during the fall, the Opera House and the new theatre interchanging actors and actresses frequently in the casual manner of the short engagements of the time. Mrs. William H. Leighton, "Queen of Comedy and Song," was introduced by Maguire,[21] while Mr. and Mrs. Charles Dillon achieved a not unalloyed success at the Metropolitan in the fall.[22] In late November, Wheatleigh seems to have made up his differences with Maguire; he returned to the Opera House to revive his personally-controlled repertoire of Boucicault pieces, but, ironically, was involved with Maguire in another legal tangle. According to the *Bulletin* of January 3, 1862: "An action has been commenced in the U. S. Circuit Court, by Edwin Forrest, to enjoin Thomas Maguire and others from performing at the Opera House the drama of *Metamora*. Also for $1,000 damages by its performance."

The injunction was granted, damages dismissed.[23]

The day of the playwright's emancipation was at hand, though perhaps only as a weapon of the jealousy between great "stars" of the theatre. The telegraphic connection with the East had welded the country into a whole, and no longer was California a frontier backwoods where recourse was improbable and always delayed. Minor authors had for years been content with indirect earnings from occasional "benefits" in their honor, or with niggardly sums realized by absolute sale of their literary fruits. Actors, realizing that play scripts were valuable property in the increasing vogue of "sensation" productions, had learned to be shrewd bargainers and stern guardians of their "rights" in attractive vehicles. Under this system it is not surprising that many actors amassed fabulous fortunes, nor that managers and authors sometimes found few monetary crumbs for their own pockets. The confused courts of law were frequently drawn into highly technical examination and artistic evaluation of dramas under dispute, and the public flocked to the theatres to participate in the excitement.

The times in California were tremulous with "sensationalism." The Civil War in the East, the great comet of 1861 in the heavens, the silver strikes in Nevada, local floods in the winter of 1861-62, spectacular steamer explosions, patriotic demonstrations, mob protest against "traitors" to the Union, scandals in the local melodeons, combined to hold daily living at a high tempo. The theatres instituted a news bulletin service, announcing current telegraphic news from their stages between acts of plays.[24] Benefits for volunteer regiments, for widows and orphans of the conflict, for the heroes of Bull Run, were interspersed with the usual charity and relief performances and actors' benefits. The classics of the theatre were overshadowed by "sensations" and variety halls were more and more encroaching upon these potential audiences which had formerly been educated to the point of hooting at stumblers in familiar Shakespearean lines.

Women were scandalizing the more conventional male by the extravagance of the architecture of their attire. "The Follies of Crinoline" was a current topic for editorial comment, of which the following is an example:

> We . . . have grieved to see that those whom nature has made graceful should do their best to render themselves unattractive by insanely adopting the dome of St. Paul's as the

> *beau ideal* of perfect outline in the human form. . . . We have been physically annoyed by the friction of steel hoops against our ankles in public thoroughfares—by the plastering of mud upon our clothes, and even upon our faces, by the same obnoxious apparatus brought into omnibuses on rainy days—by the inconvenient as well as humiliating extinction of our nether personality in places of public assemblage where the male bust is alone visible, all else being smothered in a cloud of feminine drapery. . . .[25]

Men inveighed against the Empress Eugenie, author of the new fashion, which they castigated as immodest, absurd, and even dangerous—as witness occasional fatal accidents to fashionable females. The Empress continued to garner the envious admiration of the women, who followed her in adopting striped stockings as a fillip to the tilting instability of their hoops. Unshapely limbs were surreptitiously fitted with padding by expert corsetieres. A few of the more sturdy spirits took to bloomers and, like their predecessors, endured universal ridicule for their audacity.

San Francisco boasted three five-story brick buildings by 1861, sixty-eight four-story edifices.[26] In 1862 the first "street railroads" were introduced[27] and there was some discussion as to whether Negroes should be granted rights of conveyance in the horse-drawn omnibuses. "Emperor Norton"—a town "character" who has since become a legend[28]—was just coming into public note and affection in 1860, when he began to issue his famous proclamations, particularly that noble document in which he formally annexed Mexico to his mythical American kingdom.[29] With other freaks and eccentrics, Norton was beloved of theatrical folk, who admitted him ceremoniously to all performances and occasionally caricatured him in parodies and burlesques not always to his royal favor.[30]

It is not surprising that Maguire basked and prospered in this rich atmosphere. His theatrical fortunes were always less stable than startling. In March 1862 he executed a swift *coup*, taking over an interest in the Metropolitan Theatre;[31] he installed Junius Brutus Booth as his stage manager to compete with the reopened American, at which house W. H. Leighton and his wife assumed responsibilities of management.[32] At the same time Tom experimented at the Opera House under a new name—The Varieties—featuring "opera, comedy and minstrelsy" under direction of Frank Hussey (admission 25¢ and 50¢).[33] Here Maguire pioneered in vaudeville programs, perhaps prematurely; in October the old name was revived and the house redignified.[34]

At the Metropolitan offerings were varied: Mrs. Hayne in drama, a large stock company in extravaganza, and the Bianchis in opera furnishing the highlights in contrast to novelty programs, a "prestidigitateur," and a company of flying-trapeze artists.

By the end of the year 1862, however, Maguire retired from active participation in the affairs of the Metropolitan and was offering minstrels and occasional grand opera at his Opera House, in competition with a dramatic company at the Metropolitan and another at the new Eureka, opened under W. H. Leighton in mid-December.[35] Some nine or ten other theatres, mostly melodeons, were in the field also, as well as traveling circus troupes and exhibitions and concerts at uneven periods.

But Maguire was definitely the leader and the pacemaker. At the end of the year 1862 he was offered another of those Grand Complimentary Benefits. In the introductory extravagances which, by long custom, were printed with the names of the contributors in the newspaper columns, graceful acknowledgment was paid to Maguire, addressing him directly and lauding his

> . . . endeavors to maintain the prestige of the Opera House, which has for so many years stood first in spite of all opposition, thereby enabling many to practice lucratively their professional occupations; . . . the prompt manner in which you have met all demands, pecuniary and otherwise; . . . your kind forethought in being the first Manager in this State who has shown any regard for the comfort of those engaged in and about your establishment, as practically demonstrated in your late extensive improvements. . . .[36]

Among the perhaps less practical improvements at the Opera House at this time was the addition of a drop curtain which set a new local standard for elegance: "The scene represents a multitude of Spanish figures, male and female, dancing a national dance of the Peninsula. The attitudes, dresses and colors are of the ballet order."[37]

San Francisco was fond of drop-curtain painting. A number of years before, Lewis Baker, fresh from the East with advanced ideas of theatre management, had attempted to use his drop curtain as an advertising medium, in a fashion later in universal favor in American playhouses, "but the audience hissed and made such a violent demonstration of their dislike" that this "profaning" touch was immediately banished.[38] California taste ran to Greek temples, landscapes, and allegorical figures.

Meantime the competition offered by the American, the Metropolitan, and the Eureka was of a very erratic nature, since managers and lessees changed as frequently as did their financial complexions. The Opera House led the field consistently, achieving considerable successes with such productions as "The Enchanted Beauty" in extravaganza form,[39] and "East Lynne" as a new sensation show.[40]

In May, Maguire took over the Eureka Theatre from the faltering hands of earlier managers, and installed a minstrel troupe, while at the Opera House "sensation drama held sway."[41]

During the spring of 1863 a replica of the local Maguire's Opera House was being constructed in Virginia City,[42] Nevada, as an additional way-station for Maguire's traveling troupes. This theatre was opened in early July and was to have under Maguire's distant management a brief and tempestuous history.

Virginia City, at the heart of the new Nevada silver mines, by the summer of 1863 had recapitulated San Francisco's mushroom growth of a decade before. Soon after Maguire's Opera House was established there, a correspondent of the *Bulletin* interested himself in "The Material and Moral Condition of Washoe," of which he had the following—and much more—to say:

> Four years ago, there was on the site of this city, now boasting so many fine buildings, but two rude stone houses . . . now, we have . . . nearly 20,000 inhabitants . . . water-works . . . an excellent public school . . . three churches . . . two theatres under way, and a gas-works nearly completed. . . . [But] Washoe is now to California what the latter was at one time to all the world beside—a receptacle for the vagrant, the vicious and the unfortunate, who hasten to find in the excitements and social license incident to frontier life a condition congenial to their perturbed spirits and blasted hopes.[43]

In one of a series of letters from Washoe, Ross Browne commented more colorfully:

> What a strange, haggard, feverish and unwholesome-looking place Virginia City is at half-past three o'clock in the morning! The mills are stamping and crushing and hoisting and pumping with a never-ceasing clatter; labor-worn men are still delving in the earth; the sounds of hammer and chisel and saw, fall at intervals upon the wearied ear; there is no peace, no rest, no economy of life or health in this horrible place. . . . Saloons are open, flaring with light and foul with the fumes of whisky and cigars. Straggling crowds . . . round the bars . . . blasphemy and coarse ribaldry . . . screeching strains of song and wild yells of laughter and applause . . . where noisy harlots . . . attract . . . a crowd of drunken wretches. . . .[44]

It was here that Maguire built his fine new theatre, just as he had built the beautiful Jenny Lind III in the ramshackle town in California when canvas and tent dwellings still served much of the population and the citizenry was, to all appearances, uncouth and uncultured.

It was perhaps at this time that Maguire first met and became interested in the young reporter Samuel Clemens, or Mark Twain, who was beginning his career as a writer for the Virginia City *Territorial Enterprise.*

Virginia City, though admittedly raw and ribald, was delighted to be offered a fine Opera House to supplement its melodeons and music hall. The new theatre was inaugurated auspiciously. The opening piece was Bulwer-Lytton's "Money,"[45] the star of the evening Julia Dean Hayne. Walter M. Leman quotes the *Territorial Enterprise:*

> There was scarcely space to move throughout the theatre, it was so densely filled. A strong wind blew during a portion of the evening and there was considerable agitation visible in the fairer portion of the audience; the most decided sensation of the evening was that produced on Mrs. Hayne—by a mild shower of gravel-stones, which rained upon the building. Large as was the audience, its magnitude was surpassed by it's beauty and manliness. Well, we'll just bet, that if there's a marriageable actress in the company with winning graces and matrimonial inclinations, she never goes over the mountains unwedded.[46]

The customary opening address in poetic metre was delivered by Mr. Leman, who has preserved some of its passages for posterity:

Where the Sierra's rugged mountains show
Their peaks aloft—amid the drifted snow,
Skirting the vale, where Carson's placid stream
Flows onward to the desert—where the gleam
Of God's own sunlight shines in fervid power
On rocks of gold, and hills of glittering ore;
Where thunder-smitten mountains lift on high
Their rifted battlements against the sky.
In this fresh clime, a youthful empire springs
To life and vigor upon freedom's wings,
Nevada!—soon her starry gem to set
Upon our Union's glittering Coronet.

* * * * * * *

Amidst her rocky hills, of verdure shorn
A young and gay metropolis is born
Sudden as from the brain of mighty Jove
Minerva sprang—or, as the Queen of Love
Rose blushing from the Adriatic Sea
In beauty radiant and in fancy free;
And here is reared a rich and gorgeous dome
Of taste, the temple and the muses home,
And here, obedient to Thespian laws,
We stand to-night to plead with you our cause.[47]

Though its genesis seemed so happy, establishment of this Opera House in Nevada was not to prove one of Maguire's most successful ventures. For several years this was to be one of Maguire's chain of theatres under a succession of managers deputed by him, and at least two of whom were to die unhappily while in office: In October 1865, William Stephenson, along with the treasurer and machinist of the Virginia City house, was to perish in a disastrous boiler explosion on board the *Yosemite* in the Sacramento River;[48] in 1866, Tom Peasley, manager and part proprietor of the house, was to kill a man and be killed in a dual tragedy.[49]

But all this was in the future. In 1863 Maguire was full of successful affairs. It was in August of 1863 that he first brought to San Francisco one of the best-known women of the era, Adah Isaacs Menken.[50]

"The Menken," as she was called, was an American girl of Jewish or Spanish or English and creole origin—reports vary. She had been born in New Orleans in 1835 and at an early age is supposed to have been struck by the glamour of Lola Montez and to have determined to emulate her as conqueror of men's hearts. She had some early experience as an amateurish dancer, married a Jewish musician named Alexander Isaac Menken, in deference to whom she permanently appropriated (with an "s" for euphony) the name she carried for the rest of her life.

For some years before her visit to California, The Menken had been an object of national interest. Deserting her first husband, she had gone to New York, where she had married John Carmel Heenan, famous young prizefighter from Benicia, California.[51] Her career thereafter was meteoric. Her name was plastered across the newspapers with unsavory details: Heenan abandoned her,[52] Alexander Menken turned up to attest that he had never divorced her;[53] Heenan disclaimed Adah's son, and finally Adah filed suit for divorce from him.[54] In 1861, desperate and deserted, Adah was trying to find bit parts in New York when an ambitious manager in Albany approached her with the suggestion that she play the part of "Mazeppa" in the drama of the same name. With her first appearance in the part, Menken's fame was made.

The play "Mazeppa" was a drama of the love of a young Tartar prince who, captured in battle by Polish forces, was amorously smitten by the daughter of his captor. Indignant, the Poles bind Mazeppa naked on a bareback horse which they turn loose in the Asian wastes The hero is rescued, wins his lady, and so on, in due course. The play was thirty years old when Menken revived it; it had been played as a matter of stock routine by many young men all over the country: several times in San Francisco even within recent years.[55] The substance of its attraction as a feminine vehicle was the costume of Mazeppa in the famous horseback scene--traditionally a suit of flesh-colored tights and a brief white garment like a child's rompers.

Menken sported clipped curly hair, wore men's clothes for lounging or sports, smoked, gambled, drank. She also had what appears to have been a rather unusual mind, which, combined with an undeniably beautiful body and a rash spirit, endeared her to the literati. Her poems were made much of locally by Bret Harte, Joaquin Miller, Charles Warren Stoddard, Artemus Ward, and Mark Twain; and her third husband, Robert Henry Newell, was a professional writer who used the pseudonym of Orpheus C. Kerr. She was subsequently to win the admiration and affection of Swinburne and Dickens in London and Dumas in Paris,[56] and not entirely because of her physical charms. Legend has allotted to her many lovers, besides the four legal husbands of her career, and it was inevitable that her boldness and unconventionality should shock and horrify a nation just beginning to catch a first glimpse of the chorus girl in respectable theatres.

Adah Menken made her California debut under Maguire's management at the Opera House on August 24, 1863. Her opening piece was the famous "Mazeppa," in which she was supported by Frank Mayo, Junius Brutus Booth, Sophie Edwin, and a "full-blooded California mustang." Prices were raised to 50¢ and $1, an additional 50¢ for reserved seats. It is said that Maguire cleared $1,640 on her opening night alone. Men lined the streets to catch sight of her, and women were irked with curiosity and disdain as the male sex emulated the Menken's spit curls![57]

One faction in the city was distinctly disapproving. According to the Sacramento *Union:* "Her costume in Mazeppa may be described as consisting of a flesh-fitting suit, with the little end of a dimity nothing fastened at the waist . . . Not an actress; she is an exhibition—a voluptuous experiment on American taste for amusement. And it pays."[58]

San Francisco editors were divided. The *Alta* was pleasantly surprised by Menken's acting ability, which had been understood to be nil.[59] The *Bulletin*, in the throes of some sort of a quarrel with Maguire, displayed neither reviews nor advertisements for Menken or the Opera House. The *Call*, after Menken's second engagement in San Francisco in the following spring, rang with loud denunciation of the current trends in the theatre:

> The style of plays and players . . . and the merits of both . . . materially degenerated intellectually, and more particularly in moral tone . . . vulgar . . . obscene . . . Sensations of Boucicault are preferred to the sentiment of Bulwer . . . Nearly nude figures are now the rage. Dr. Colyer's model artists are outdone . . . We have a strong hope that the stage has already passed its lowest phase.[60]

There was no denying The Menken's ability as a horsewoman in the trying scene in which her horse carried her, bound and helpless, up the traditional zigzagging runways to a mountain top on the stage. The suspense was not entirely theatrical, as there were several small accidents during "Mazeppa's" run.[61]

Other pieces in Adah's repertoire included "The French Spy" and "Lola Montez; or Catching a Governor." But she was not easy in these other parts, nor particularly effective. She played until September 25, then halted because of fatigue. She later resumed her appearances under Maguire's management, playing in Sacramento for a long fortnight in December.[62]

On December 25 she returned to San Francisco for another month, then ventured into the hinterlands, appearing in Virginia City in March 1864. Here it is said she captivated young Mark Twain, played cards, gambled, and rode her horse astride, to the delight of the miners.[63]

On April 12, 1864, Adah commenced farewell appearances in San Francisco.[64] The newspapers published the information that she was under contract to Maguire for a tour of Australia,[65] but this did not materialize. She sailed—with an alleged $50,000 in profits—on the *Moses Taylor* bound for Panama on April 23, 1864, registering with her servant and her husband Orpheus C. Kerr (Newell). A minor poetic genius celebrated her departure with rather mediocre rhymes, dubious sentiment, but better puns.[66]

The Menken's *sensations* were not yet exhausted: In late May local papers published a perhaps exaggerated tale to the effect that she had deserted her liege lord at Panama in favor of a local "flame" remet on shipboard.[67] She appeared next in London, still streaming glory.[68]

V. SCENES SHIFTING

When Adah Isaacs Menken sailed from San Francisco on April 23, 1864, the date was marked by two other departures of interest. On the same steamer, the *Moses Taylor*, there departed that long-established manager and actor, now no longer a youngster, Junius Brutus Booth, Jr. Booth had for so long been a fixture in California, in San Francisco and in the interior, that his departure for the East might almost be used as a placemark in the history of the theatre on the West Coast. Pioneer days were over; no longer by any standards could California drama be termed "frontier."

In 1852 Junius had lured his aging father and the young Edwin to the Jenny Lind and the Gold Rush excitement; now Edwin, from a high eminence in the acting profession, was offering his brother a partnership with him in the East. Junius had buried his second wife in California, was taking a small daughter back with him. He was not to return for many years, and then was a stranger to the city which he had known in its youth.

The other departure of particular interest was that of little Lotta Crabtree and her parents on the *St. Louis*, sailing at the same time as the *Moses Taylor*. Lotta was possibly the best, and was to be assuredly the longest-preserved, juvenile actress produced on the West Coast. Well known in the provinces, Lotta was not rated very high in San Francisco during her first busy years. A small red-headed piece of impudence, she was shepherded about by a grimly determined mother and a jealously doting father.

Lotta's biographer, Constance Rourke, tells us that the Crabtrees had early approached Maguire in an attempt to win an engagement for their offspring, but that he "was not interested." She goes on to relate that Maguire was at the time rumored to have spoken slightingly of Lotta's talents, and that Crabtree waylaid Maguire in Portsmouth Square, wounding him slightly with a revolver shot. A touch characteristic of Maguire is supplied in Miss Rourke's story by her concluding statement—that Maguire, "with his usual calm, seems to have sauntered away."[1]

In 1859, in any event, Maguire finally gave in, or Lotta improved sufficiently to interest him; she was booked for a time in variety acts at the Opera House, and Miss Rourke relates that Maguire presented a piano to the little girl as a token of esteem.[2] Still, until after her eastern invasion in the sixties, Miss Lotta was much better known in the melodeons than in the legitimate theatres.

This piquant child was given a grand farewell benefit at the Opera House on the night immediately following Menken's farewell.[3] She appeared in several short pieces, dancing and mimicking and singing, and reaped by the performance the not inconsiderable sum of $1,500 or thereabouts. Her mother's pockets were already well lined with hoarded wealth from the gold miners and melodeon patrons, and this capacity for attracting coin was to make Lotta a very wealthy old woman before her death. She was to have many years of juvenility, sheltered by her stern parent, and never grew up theatrically, retiring from the stage still a "dramatic cocktail," specializing in child-star parts.

But though actors might depart from Pacific shores, others were always arriving to take their places, and the drama did not languish. Maguire was entering a period of expansion, gambling in huge sums.

In the spring of 1864 Maguire built another fine new theatre in San Francisco, on Pine Street just below Montgomery. In selecting this location, Maguire was following the already evident trend of theatrical interest southward toward Market Street. The older Opera House and Metropolitan, with entrances on right-angling streets, were semi-adjacent at a distance of a city block from old Portsmouth Square; but the newer Eureka was several blocks to the south, and now Maguire's Academy of Music was, again, semi-adjacent to this little theatre which Maguire had appropriated for a period.

Maguire's new Academy of Music was the eleventh theatre Tom Maguire had erected on the Pacific Coast. Eight of these had been located in San Francisco, two in Sacramento, and one in Virginia City. All of these playhouses had been "elegant" in the manner of the day, but the Academy was designed to be the jewel of them all. Its cost, $66,000 exclusive of a lot priced at $30,000, represented a direct investment of cash, for in its construction Maguire followed a policy, unusual even in that day, of settling all bills punctually every week, so that his theatre was entirely paid for at the end of the three and a half months of construction.[4]

A reporter attached to the *Call* (Mark Twain was probably not yet in action, but had already joined or was within a few days to join its staff) reviewed the architecture of the Academy just before its opening to the public:

> It has a marble front in imitation of the Italian style, and rises in four stories from the sidewalk. . . . The second story rests on twelve iron Corinthian columns, above which . . . is a balustrade, crowned with a rich pediment supported on two elaborately carved columns. The third and fourth stories are highly ornamented with richly capped windows . . . and the building surmounted with a superbly chaste composite cornice. . . . Exquisite taste displayed throughout . . . resembles Niblo's, in New York. . . . Seats . . . to be covered with scarlet plush. . . . A celebrated painting, known as "The Age of Gold," has been taken as a model for the drop-scene, or "act drop." It will be larger and more elaborately executed than the well known dancing scene at Maguire's Opera House and a greater number of figures will be introduced. . . . The ornamentation about the proscenium-boxes is extremely chaste and beautiful. Heavy Doric pillars of pure white, with golden ornaments, spring from the stage on each side of these gorgeous private boxes, while superb and costly drapery is tastefully disposed about their entrances. . . . The walls are perforated with no less than sixty patent ventilators. . . . Light is obtained from a large and splendid chandelier, pendant from the dome. . . . Besides the fifty jets there contained, each tier of boxes [three in all] is fringed with a row of brilliant lights. . . .[5]

No one could have foreseen the dismal failure of this beautiful but ill-fated playhouse. It is said that Maguire's wife was strongly opposed to its erection,[6] as was his architect, Huling Majors. According to history, Majors had one day approached Maguire with his misgivings:

"Maguire, have you thought closely on the step you are taking in building this theatre?"

"Why do you ask that question? Have you not all the men, money and material you need? What I require of you is good work and in as short a space of time as possible."

"Ah, well; that's all right. I asked you the question because the time will come, in my opinion, and shortly, too, after you have finished the building, when you will be sorry you laid one stone upon another."

George Barnes, who relates this rather refined version, commented further: "Maguire must have felt in his secret soul that Majors' words were prophetic. There was a glare in those nondescript eyes of his—no one could tell their color—as he looked at the plain-spoken architect, and with an extra tug at his mustache he walked up the street."[7]

Probably such apprehension, if it existed, was not widespread, for Maguire had steadily built up his complicated affairs for fourteen years, never falling but to rise again. He had more than sufficient money to back his projects and all expectations of realizing a great deal more from them. He enjoyed the confidence and respect of members of the acting profession and the envy of his rivals in the managerial field. His expensively tailored sturdy figure was an imposing and familiar sight along Montgomery Street and he was the object of deserved admiration and respect in this city he had helped bring through its pioneer years. As the *Call* reporter put it:

> If he is not entitled to some credit for enterprise and a firm reliance on the steady growth of California, we don't know who is. In the face of disasters and discouragements of all kinds, he has quietly pursued his one aim of leading the theatrical business, and if he has, to some extent, monopolized it, he has been no niggard with his resources, and has done more than any other five men in the community to advance the interests of the drama and the opera, and cater to the public taste for amusements. . . .[8]

The Academy of Music was opened on May 18 by the full Opera House company, which at this time included Sophie Edwin and Agnes Perry, ingenues; Mrs. Elizabeth Saunders, character woman; Frank Mayo and Charles R. Thorne, Jr., promising young men; William Barry and D. C. Anderson, old-timers in California, both noted for a fondness for strong liquor; William O'Neil, character comedian; and Lulu Sweet, Katie Archer, Fannie Howard.

The opening piece was "Playing with Fire" by John Brougham (did some of the town's prophets see something symbolical in this?). After a week Mr. and Mrs. Selden M. Irwin, popular in Salt Lake City and the provinces, made a few appearances at the house. But even during the first fortnight of its existence, the Academy did not draw full houses. On May 30 Maguire moved his sure-fire minstrels to the house, while he returned the dramatic troupe for the reopening of the Opera House, closed for remodeling after a last "novelty" production of "The Man of Destiny." (And was there anything significant in this Napoleonic piece, not too successful, at this time?)

The Metropolitan, during this interval, had suffered a succession of managers during the preceding winter and spring: the Bianchis in Italian opera; Thomas McKeon, late of Philadelphia, sponsoring Charles Pope and his wife, Virginia Howard, in a short and stormy season; then sensation drama under the joint management of Mrs. James Stark and Mrs. Emily Jordan, and an engagement of Mrs. Julia Dean Hayne followed by James Stark himself in Shakespearean repertoire. In March the Metropolitan had been taken over by a triumvirate of: C. R. Thorne, J. H. Allen (Shakespearean actor then recently presented by Maguire), and Robert G. Marsh (formerly manager of the "Marsh Juveniles"); by June Mrs. Hayne and Annette Ince had stepped into management, and in the fall Mrs. Emily Jordan again took over for a time. The old American was even less stable, often dark. Obviously it was difficult to compete with Maguire and his constantly changing series of innovations and stars.

At the reopening of the Opera House Maguire presented Caroline and Peter Richings in musical drama, light opera, and opera. Caroline's voice was charming and her first productions drew well. On June 27 Maguire transferred her to the Academy for a season of Italian opera, hoping to draw her followers after her to the new house, while the minstrels moved to the Eureka around the corner, and Charles Wheatleigh was headlined at the Opera House.

But Miss Richings was not so pleasing in Italian grand opera as in lighter parts, was criticized for improvising trills and gymnastics for the exploitation of her lyric soprano;[9] she played on through the fall without doing much to relieve the mediocre fortunes of the Academy, which housed in turn a secondary dramatic troupe, minstrels, variety, and Bianchi grand opera during the rest of the year.

The Eureka proved a better investment: it was an excellent minstrel hall, and Maguire at this time controlled one of the finest minstrel troupes ever to be assembled in the country. Included in the "San Francisco Minstrels" at the time were: Dave Wambold, Billy Birch, Sam Wells, George Coes, Charlie Backus, and others of the famous little group which, in the following spring, moved on to take New York completely by storm and to serve out years of lucrative labor in that city.

San Francisco was, in the middle sixties, at the height of minstrel fever. Minstrel troupes were organized all over the city, and a special form had been adopted for a semi-vaudeville type of performance, loose and flexible in structure. Melodeons vied with more dignified houses, black opera far outdistanced white in local popularity. An advertisement in the *Call* during the San Francisco Minstrels' farewell season at the Academy of Music reveals the rivalry among variety troupes and factions:

> Go to the American Theatre and see the blighted buds of the Minstrel profession; go to the Metropolitan and see an ape and a bundle of sticks; go to the New Idea and see the geese who cackle there; go to the Olympic and listen to dreary English burlesques, written twenty years ago; then, after you have made yourself perfectly miserable by these visits, go to the Academy of Music and have an evening of boisterous merriment with the San Francisco Minstrels.[10]

Not even the supposed "hoodoo" of the Academy of Music could prevent these effervescent blackface comedians from reaping profits and rich laughter. Charlie Backus specialized in a Chinese act, in mimicry of the great tragic actors of the stage, and in local travesties and innuendoes, all to the delight of a permanent following in San Francisco of the period.

Evidence of the great tolerance for minstrel impertinence on the part of those caricatured may be found in an incident of the fall of 1864.

One of the greatest events of California's theatrical history was Maguire's presentation, in October 1864, of the aging but world-famous actors, Mr. and Mrs. Charles Kean. Despite an advance in prices, necessitated by the huge expense of importing the Keans and their accompanying supporting players, James F. Cathcart, their niece Miss Chapman, and George Everest, as well as their actor-manager George Coppin, the heavy classics of the Keans' engagement drew continuous crowds.

If we include a return engagement in January 1865, these veterans played in San Francisco for almost sixty nights, offering approximately twenty different plays, with receipts averaging a thousand dollars a night, of which considerable sum one-half went into their eager pockets.[11] Maguire was "gratified" by the returns of the engagement, the Keans were "much pleased with the courtesy and attention . . . received," and their manager was delighted with the "punctuality and correctness of all monetary transactions."[12] Everyone was happy, including the San Francisco public, which felt that Maguire had contributed materially to its enjoyment and educational pleasure.

Happy, too, was Charlie Backus, who had embodied an imitation of Charles Kean's Hamlet in his repertoire. On a certain occasion when Kean had visited the Eureka, he had been so amused and appreciative of this caricature of himself that he had invited Backus to his rooms, where he rehearsed him carefully in word and action, "explaining each intonation, gesture and modulation of voice."[13]

So tragedy and comedy sat side by side more or less contentedly in California.

The same crowds which flocked to hear the Keans had won the censure of local purists and critics during a post-Menkenite revival of the "Mazeppa" craze a month earlier. Mrs. Emily Jordan at the Metropolitan, later replaced by Utie Clifford; Agnes Perry at the Opera House, Jennie Lamont at Bert's New Idea, Fanny Morgan Phelps, Fanny Brown, and several burlesque actresses at the Bella Union had all essayed the part concurrently; the town was shocked, amused, and/or disgusted.[14]

There were several fist-fights and other casualties during this "Mazeppa" revival which "debauched the artistes of the stage."[15] What "Inigo" (Charles H. Webb) called "the dramatic rein"[16] waned almost as suddenly as it had waxed. The critic of the *Call* was delighted to find that the Keans could be appreciated by a public not altogether depraved by "prurient furor."[17]

Perhaps the unaccountable taste of San Francisco's theatregoers was a factor in the development of Sunday Blue Law sentiment. Early in June 1864 there was agitation for enforcement of the ban on "noisy and barbarous amusements" as set forth in the original statute of March 16, 1855.[18] Theatre managers were arrested for presenting Sunday shows, among others, Tom Maguire, Edward G. Bert, Samuel Tetlow, William H. Smith, and William B. Hamilton.[19]

Maguire, making a test case for the profession, took the matter to jury trial, but was convicted.[20] By joint decision the managers determined to continue Sunday shows until the matter had gone through a higher court.[21] The affair dragged on until, in December, an unfavorable Supreme Court decision was handed down.[22] On Sunday, December 11, all managers by agreement advertised their shows, and all were arrested.[23]

On December 20, Maguire, again furnishing a test case, stated in court that he would cease Sunday showings along with other managers; he was fined fifty dollars and dismissed.[24] Sunday performances were discontinued and lectures or sacred concerts came into fashion. Saturday matinees had already gained favor and were now emphasized. Unfortunately, the foreign theatres, which had worked up fair patronage for semi-professional Sunday shows in French and German, were most adversely affected. The director of the formerly vigorous German theatre, Adolph Meaubert, sailed for the East in disgust in April 1865.[25]

The unrest which characterized the San Francisco theatre of the mid-sixties was not altogether attributable to local conditions. California, though at so great a distance from the conflict, had been considerably affected by the Civil War. As we have noted, the state had declared itself for the Union, and followed developments in the East with great interest, contributing generously to "drives" for war funds.

Having served as a professional cradle for both Edwin Booth and the younger Junius, California was very deeply shocked, in April 1865, by the news of the assassination of Abraham Lincoln by their young brother, John Wilkes Booth, in a Washington, D. C., theatre. Feeling was so strong in San Francisco that an angry crowd descended upon non-Union newspaper offices, wrecking them;[26] an example of the mob rage still typical of the young city. In honor of Lincoln, buildings were draped in black for days, newspaper columns set apart with wide black bands of mourning.

The theatrical folk of California took a particularly intimate interest in the tragedy because of its connection with the theatre. Public sentiment did not turn seriously against them as it might have done and as they perhaps feared it would; but in the East a minister of the gospel denounced the murder as a psychological result of stage associations and surroundings of young Booth, and even implied that by his death Lincoln may have been receiving just punishment for attendance at a sinful amusement. Still, as the *Californian* remarked editorially: "The San Francisco public is decidedly a play-going public. We fear it must be admitted that Maguire does not pipe unto us and we not dance, nor Bianchi mourn and we not lament."[27]

By way of reaction, western sympathy was soon expressed for Edwin Booth and his older brother Junius, who were for months much affected by their family's notoriety.[28]

A further factor in the local situation was the increasing importance of silver stocks and of market activity in connection with Nevada silver mines. The Washoe returns were at times fabulous in amount, but the various exploiting companies were not always scrupulous, and manipulation of stocks became a general pastime among business men of San Francisco and Virginia City. Millions of dollars were shipped to the East, and early in the conflict local financiers palpitated anxiously while the specie ships skirted Confederate waters on the trip north from Panama.

Still another influencing factor in the theatrical life of the sixties was the instability of theatrical ventures in New York, partly resultant from the Civil War, partly due to changing labor conditions throughout the country. San Francisco had already had several serious strikes—for example, in the spring of 1864 the Iron Moulders had instituted a successful strike for a ten percent increase in wages.[29] (Maguire offered a benefit for the strikers at his Opera House on April 22.[30]) During the fall of this year actors in New York called a strike in an attempt to set up minimum wage scales,[31] and the more or less direct result was a general increase in theatre prices.[32]

In the midst of the eastern confusion California remained a haven for the top-flight "stars" of the profession. Here there was an eager public,[33] there were beautiful theatres, and there was a manager to whom expense was no object. As a writer for the *Californian* remarked: "Whether profit or loss accrue to him, still his engagements go on, and still his people draw their salaries with unfailing regularity."[34]

Maguire was still sending representatives east to procure theatrical attractions, when it did not suit his convenience to go himself. In the early part of 1864 Sam Wells, minstrel and manager, was entrusted with negotiatory powers;[35] and in July, Sheridan Corbyn, son of a famous theatre manager in London and already well known locally, sailed for the East and Europe to act as Maguire's agent in engaging "talent."[36]

All of this activity, the many obligations of a far-flung organization, resulted in a very complicated financial structure depending to a great extent on successful diagnosis of public taste. It was, perhaps, inevitable that Maguire should occasionally face disaster, and the spring of 1865 brought him a magnificent failure in keeping with the extensive scale of his operations.

Again and again it has been remarked by contemporaries and historians of early San Francisco that Maguire was in the thrall of a strange fascination for grand opera. Perhaps the color and ceremony of an opera season appealed to him; perhaps he felt that he was obeying some higher urge in sponsoring the grandiloquent musical drama; or perhaps he simply had a taste for music and beautiful singing voices. Again and again he plunged heavily in exploitation of operatic troupes, local and imported, stubbornly convinced that California would support opera if it was good opera.

The Richings season in the fall of 1864 had been somewhat unsatisfactory to the avowed opera lover; the grander of the grand operas had been beyond the scope of Caroline and her troupe.[37] Moreover, Maguire had more or less exhausted the possibilities and his own good temper in presenting Signor Bianchi and other local singers in grand opera; he had several times imported second-rate troupes without success, and had demonstrated to himself that anything short of the best was a bad venture.

Unfortunately Maguire's determination to achieve a first-rate operatic season at this time was paralleled by similar plans on the part of Signor Bianchi. So, in the spring of 1865, two organizations demanded attention of San Franciscans: a renovated Italian company under Bianchi at the Metropolitan, which opened early in April;[38] and another imported company under six months' contract to Maguire, which opened at the Academy of Music a month later.[39]

With the introduction of the Maguire company, the two opera troupes came into direct rivalry: "Il Trovatore" was presented by the Bianchis at the Metropolitan on May 1, by the Maguire artists at the Academy on May 2; "La Traviata" was at the Metropolitan on May 3, at Maguire's on May 4. Late in the month the Academy offered, for the first time in California, "Un Ballo en Maschera," followed by a Bianchi production on the next night. San Francisco society was amused and delighted, as Bianchi advertised new star singers, Signorina Elvira Brambilla and Signor Filippo Morelli, Maguire countering with Signorina Olivia Sconcia, Signors Domenico Orlandini and Giovanni Sbriglia, Miss Adelaide Phillips, and John De Haga. The controversy was poeticized in the *Call:*

THE GREAT LYRIC CONTROVERSY
Brambilla here!
Sconcia there!
Phillipps everywhere in mention!
Morelli's immense!
Sbriglia's intense
Are themes of paramount contention.[40]

Maguire was doubtless in his element, as "the beauty, wealth and fashion of San Francisco" delicately applauded in his beautiful little Academy, as "silks rustled, satins shone, diamonds flashed, and the air was heavy with perfumes."[41]

Before long Maguire had won. The Bianchis' second subscription season came to an abrupt end as the following advertisement appeared in local newspapers:

> A CARD. Having not received the salary due to me for eight days past, from the Impressario of the Metropolitan Theatre, I have declined to sing to-night, Friday.
>
> Elvira Brambilla[42]

On June 15, the Honorable James H. Warwick, ex-legislator, ex-aspiring actor,[43] now stage manager of the Academy of Music, announced that the principal stars of the Bianchi troupe had been engaged to augment Maguire's company. Triumphantly the full troupe continued at the Academy; the box office deficits steadily increased under the new load. In July the opera was taken to Sacramento for a disastrous night or two, then for one night to Stockton, then back to the Academy. By the end of August it was apparent that Maguire had achieved a magnificent artistic success and a magnificent financial failure. Said the *Californian:*

> Mr. Maguire deserves great credit for having engaged at considerable risk an excellent troupe, one of whose artistes at least was superior to any ever before in this country; . . . he has continued, almost at the sacrifice of his entire fortune, to fulfil his engagements to his company and the public honorably, and . . . has exhibited a degree of pluck and perseverance worthy of the name of genius. . . . It remains for our musical public to bind up the wounds of their sorely-beaten, but still gallant *impressario.*[44]

Maguire's losses were estimated at $25,000,[45] and a Grand Complimentary Benefit to Maguire "in consideration of the immense pecuniary loss sustained" was the sop flung to him by his enriched operatic stars, grateful for his "honorable" fulfilment of his commitments to them.

Somewhat ironically, at this low ebb of his fortunes, Maguire was also responsible for a good number of players traveling about the state and in Nevada—"all the unemployed actors in the State have been drafted into Mr. Maguire's great dramatic army," as the *Californian*[46] exulted. In August he was the optimistic manager of three dramatic companies, an opera troupe, and a minstrel company.[47] He was, moreover, the major proprietor of still another Maguire-built theatre, opened at Marysville, California, on August 16 by the San Francisco Opera House company. The "handsome and commodious building," which cost $21,500 and was said to have been modeled upon the ill-fated Academy of Music in San Francisco,[48] was celebrated in the usual poetic "opening address," in this instance written by Walter M. Leman and read by Sophie Edwin. The masterpiece began:

> Where erst a few months back, devouring fire
> Made of the Muses' Fane a funeral pyre,
> Whose tongues of flame shot madly forth on high,
> Mounting fantastic to the midnight sky . . .
> Here, where the prosperous city spreads amain
> With living energy athwart the plain . . .
> 'Mongst pleasant homes, by Yuba's golden sands,

> Our new-born temple of the Drama stands.
> Perfect in structure, radiant to the view,
> To virtue dedicated—and to you . . .[49]

How many such "dedications" must Maguire have beamed upon! But the Marysville theatre, tainted perhaps by the Academy's ill fortune, did not immediately swell Maguire's depleted coffers. San Francisco dispatches indicated that audiences were not very satisfactory.[50]

(To be continued)

NOTES TO CHAPTER III

1. Poem by J. E. Murray, San Francisco *Bulletin*, September 16, 1859.
2. *Alta California*, April 24, 1855.
3. See Pauline Jacobson, *Bulletin*, September 9, 1916.
4. *Alta*, June 8, 1852.
5. Herbert Asbury, *The Barbary Coast* . . . (New York: Alfred A. Knopf, 1932), p. 19.
6. *Bulletin*, December 4, 1856.
7. *Ibid.*, April 27, 1857.
8. *Ibid.*, December 1, 1862.
9. Asbury, *op. cit.*, p. 19.
10. George Ed. Barnes, *Bulletin*, January 21, 1896. See also *Chronicle*, January 26, 1896.
11. See *Alta*, November 30, 1856.
12. Timothy McCarthy was elected state senator from the Ninth Senatorial District of California in November 1882.
13. Pauline Jacobson, "Playhouses of the Pioneers," *Bulletin*, August 12, 1916. Cf. *Alta*, October 14, 1860.
14. *Bulletin*, November 12, 1858.
15. *Alta*, November 27 and 29, 1856; *Bulletin*, November 28, 1856.
16. *Bulletin*, November 12, 1856.
17. *Alta*, March 16, 1857, advertisement.
18. *Ibid.*, March 23, 1857.
19. *Bulletin*, April 27, 1857.
20. *Ibid.*, May 2, 1857.
21. *Ibid.*, August 16, 1860.
22. *Ibid.*, January 23, 1860.
23. *Ibid.*, July 16, 1857, list of steamer arrivals.
24. *Ibid.*, August 17, 1857.
25. *Loc. cit.*
26. *Ibid.*, September 15, 1857, passenger list of the *Golden Age*.
27. *Ibid.*, November 3 and 4, 1857.
28. See *Alta*, September 3, 1857, advertisement of American Theatre for rent.
29. *Herald*, October 8, 1857.
30. *Bulletin*, December 10 and 11, 1857, and August 18, 1917.
31. *Ibid.*, August 18, 1917. See also James H. McCabe, "Journal" (MS, typewritten copy in Sutro Branch, California State Library, San Francisco).
32. After many years in San Francisco and the West, Harry Courtaine went to New York for a late and brief success on the Manhattan stage (see *Alta*, November 2, 1879; *Call*, January 25, 1880). Thereafter he declined, gently, to a desolate and poverty-stricken finale (see *Examiner*, January 2, 1886; *Chronicle*, April 11, 1897).
33. *Herald*, February 8 and 20, 1858.

34. *Ibid.*, April 18, 1858.

35. *Ibid.*, December 15, 1857; see also *Bulletin*, December 15, 1857.

36. *Herald*, December 19, 1857.

37. *Alta*, January 25, 1858.

38. *Herald*, March 13, 1858.

39. *Alta*, September 5, 1855; *ibid.*, May 24, 1855.

40. *Ibid.*, February 12, 1858; *Bulletin*, February 12, 1858; *The Wide West*, February 14, 1858.

41. Sacramento *Union*, February 2, 1859; *ibid.*, March 15, 1859.

42. Contemporary files of the Sacramento *Union;* also this QUARTERLY, X (March 1931), 74.

43. Quoted in *Bulletin*, February 12, 1858.

44. *Ibid.*, January 23, 1860, Professor Anderson's advertisement.

45. *Ibid.*, May 5, 1858.

46. *Ibid.*, June 23 and 28, 1858. See also *ibid.*, September 28, 1859.

47. *Ibid.*, March 7, 1859.

48. Mrs. Maguire had negotiated with one John Anderson in London in 1857. See *Bulletin*, January 23, 1860.

49. *Alta*, April 16, 1859.

50. *Herald*, April 20, 1859.

51. Opening date.

52. See *Herald*, August 23, 1859, and *Bulletin*, August 16, 1860.

53. *Herald*, April 20, 1859; *Alta*, April 16, 1859.

54. Signor and Signora Bianchi had made their California debut in concert on October 23, 1858. They were to be identified with California musical history for many years.

55. *Herald*, May 21, 1859.

56. See *Alta*, December 24, 1860, for history of this traveling opera company.

57. *Alta*, May 26, 1859.

58. See *Bulletin* and *Herald* of June 27, 1859.

59. *Bulletin*, June 29, 1859.

60. E.g., the John Woods are reported (*Bulletin*, June 9, 1863) to have realized $35,000 during their California season 1857-58. The Bakers, by their own boast, left California with a considerable fortune (*Bulletin*, April 12, 1862).

61. *Ibid.*, January 23, 1860.

62. *Herald*, May 5, 1860.

63. *Bulletin*, April 26, 1860.

64. *Herald*, August 23, 1859.

65. "The Napoleon of Theatricals," *Chronicle*, January 26, 1896.

NOTES TO CHAPTER IV

1. *Bulletin*, August 18, 1917.

2. *Loc. cit.*

3. *Loc. cit.*

4. *Ibid.*, January 21, 1896.

5. *Loc. cit.* See *Figaro*, April 20, 1869, for an account of Laura Cuppy Smith's public expression of gratitude for Maguire's generosity to her during several months preceding.

6. *Call*, January 22, 1896.

7. *The Californian*, August 12, 1865, p. 12; see also *ibid.*, November 5, 1864, p. 12; March 4, 1865, p. 8; August 26, 1865, p. 8, etc.

8. Mme Biscaccianti had arrived in California on October 15, 1859 (*Herald*). She had previously enjoyed a triumphant San Francisco season in 1852.

9. *Herald,* July 28, 1860.

10. See *ibid.*, August 1, 1860.

11. *Ibid.*, September 25, 1860.

12. See *ibid.*, November 30, 1860, for list of personnel. This company was successor to the famous Ravel Family which had visited California in 1855-56.

13. *Alta,* November 5, 1860.

14. *Ibid.*, January 27, 1861.

15. *Ibid.*, November 25, 1860; complete figures are given as 37,866 to 37,485.

16. *Herald,* October 25, 1861.

17. *Ibid.*, June 22, 1861.

18. Jefferson was billed at the Opera House July 8-August 18; he appeared later for a time. In his *Autobiography* (New York: Century Company, 1889), pp. 229-30, Jefferson says he failed in San Francisco as a result of "overbilling."

19. *Herald,* August 31, 1861.

20. *Bulletin,* August 31, 1861.

21. *Herald,* September 25, 1861.

22. *Ibid.*, October 21, 1861.

23. *Bulletin,* January 4, 1862.

24. E. g., *Herald,* November 16, 1861.

25. London *Star,* quoted by *Alta,* April 5, 1863.

26. *Bulletin,* September 18, 1861.

27. *Alta,* June 30, 1863.

28. Selected references for Emperor Norton biography: *Call,* January 9, 10, 11, 25, 1880; Robert Ernest Cowan, "Norton I, Emperor of the United States and Protector of Mexico," this QUARTERLY, II (Sept. 1923), 237-45; Albert Dressler, *Emperor Norton . . .* (San Francisco: A. Dressler, 1927); Allen Stanley Lane, *Emperor Norton, the Mad Monarch of America* (Caldwell, Idaho: Caxton Printers, 1939); David Warren Ryder, *San Francisco's Emperor Norton . . .* (San Francisco: A. Dulfer Company, 1939).

29. *Bulletin,* January 18, 1860.

30. See *Herald,* September 18, 1861, etc. On June 8, 1867, the *Chronicle* published a proclamation by the Emperor forbidding unauthorized characterization of himself in burlesque, travesty, and so on.

31. *Bulletin,* March 13, 1862.

32. *Ibid.*, March 10, 1862.

33. *Ibid.*, March 13, 1862.

34. *Ibid.*, October 13, 1862.

35. *Ibid.*, December 18, 1862.

36. *Ibid.*, December 2, 1862.

37. *Ibid.*, December 23, 1862.

38. *Ibid.*, November 24, 1862.

39. *Ibid.*, March 30, 1863.

40. *Ibid.*, May 16, 1863. Lucille Western was starred.

41. *Ibid.*, June 2, 1863.

42. *Alta,* May 21, 1863.

43. *Bulletin,* September 15, 1863.

44. *Ibid.*, November 21, 1863.

45. This popular drama in 1869 served as opening piece for the California Theatre in San Francisco.

46. Walter Moore Leman, *Memories of an Old Actor* (San Francisco: A. Roman Co., 1886), p. 295.

47. *Ibid.*, p. 296.

48. *Call,* October 15, 1865.

49. *Ibid.,* February 3, 1866.

50. Selected references on Adah Isaacs Menken: Bernard Falk, *The Naked Lady . . .* (London: Hutchinson and Company, 1934); George D. Lyman, *The Saga of the Comstock Lode . . .* (New York: Charles Scribner's Sons, 1934); Franklin Walker, *San Francisco's Literary Frontier* (New York: Alfred A. Knopf, 1939), pp. 166-74; U. S. W.P.A., San Francisco Theatre Research Project, First Series, Volume Five (San Francisco, 1938; mimeographed), XIII, "Adah Isaacs Menken," 43-98; *Dictionary of American Biography* (1933), XII, 536-37.

51. *Bulletin,* March 1, 1860.

52. *Call,* June 5, 1866.

53. See San Francisco *Daily Critic,* May 8, 1868.

54. *Bulletin,* August 22, 1860; *Herald,* September 5, 1861.

55. Cf. *Bulletin,* November 20, 1862: Charles R. Thorne, Jr., had appeared in the title role at the Metropolitan. The play had been produced in San Francisco as early as 1851.

56. *Dramatic Chronicle,* October 12, 1867.

57. Pauline Jacobson, "The Bird of Paradise," *Bulletin,* August 11, 1917.

58. Sacramento *Daily Union,* December 7, 1863.

59. *Alta,* August 25, 1863.

60. *Call,* April 10, 1864.

61. *Alta,* August 27, 1863, and January 1, 1864.

62. Sacramento *Union,* December 5, 21, 1863. During her appearance in Sacramento she and five actors were arrested for appearing on Sunday, December 6, in one of the periodic Blue Law crusades. Maguire forfeited his own bail, but paid a $50 fine for each. *Ibid.,* December 22 and 23, 1863.

63. Leman, *op. cit.,* p. 301. See also Lyman, *op. cit.,* pp. 271 ff.

64. *Alta,* April 13-17, 1864.

65. *Call,* April 3, 1864.

66. *Call,* April 23, 1864.

67. *Ibid.,* May 29, 1864.

68. *Alta,* November 3, 1864; *Call,* October 30, November 27, 1864; *Weekly Californian,* November 26, 1864.

NOTES TO CHAPTER V

1. Constance Rourke, *Troupers of the Gold Coast . . .* (New York: Harcourt, Brace and Company, 1928), pp. 140-41.

2. *Ibid.,* pp. 154-55. A mural painting by Antonio Sotomayor in San Francisco's Palace Hotel shows Tom and Lotta congenially sharing a carriage—though it is doubtful whether they ever enjoyed the experience in actuality.

3. *Alta,* April 18, 1864.

4. *Call,* May 15, 1864.

5. *Loc. cit.*

6. George E. Barnes in the *Bulletin,* January 21, 1896. But note that certain other writers, notably Pauline Jacobson (*Bulletin,* September 9, 1916) make the sentimental statement that Maguire built the theatre to satisfy a "whim of his wife." The Barnes account seems more credible and better authenticated.

7. *Bulletin,* January 21, 1896.

8. *Call,* May 15, 1864.

9. *Alta,* July 25, 1864.

10. *Call,* January 21, 1865.

11. *Bulletin,* February 2, 1865.

12. *Call*, November 6, 1864; communication from the Keans offering Maguire a benefit as acknowledgment of his courtesy, etc.

13. *Bulletin*, December 1, 1864.

14. *Call*, September 4, 1864 (Mark Twain was now drama reviewer. Was he also staff poet? See Franklin Walker, *The Washoe Giant in San Francisco* . . . (San Francisco: George Fields, 1938), p. 13.

15. *Call*, August 28, 1864.

16. *Alta*, September 14, 1864.

17. *Call*, October 16, 1864.

18. *Ibid.*, June 18, 1864.

19. *Ibid.*, June 22, 1864.

20. *Ibid.*, June 23, August 13, 1864.

21. *Ibid.*, August 14, 1864.

22. *Ibid.*, August 23, December 8, 1864.

23. *Alta*, December 18, 1864.

24. *Ibid.*, December 20, 1864.

25. *Call*, April 2, 1865.

26. *Bulletin*, April 17, 1865.

27. *Californian*, July 1, 1865, p. 8.

28. Edwin Booth had just completed his famous hundred-performance run of "Hamlet" at the New York Winter Garden, was overwhelmed and shocked (William Winter, *Life and Art of Edwin Booth* [New York: Macmillan and Company, 1893], pp. 36-37). Junius was for a time actually imprisoned in Washington, D. C. (*Bulletin*, May 25, 1865; *Call*, July 2 and 30, 1865).

29. *Call*, May 19, 1864.

30. *Ibid.*, April 22, 1864.

31. *Ibid.*, August 14, 1864.

32. *Ibid.*, August 21, 1864.

33. The San Francisco audience was characterized as "the most intelligent and critical . . . in America" by the New York weekly, *Wilkes' Spirit of the Times*, November 23, 1867.

34. *Californian*, March 4, 1865.

35. *Call*, February 28, March 1, 1864.

36. *Ibid.*, July 24, 1864.

37. *Alta*, July 25, 1864.

38. *Bulletin*, April 17, 1865.

39. *Ibid.*, May 2, 1865.

40. *Call*, May 14, 1865.

41. *Ibid.*, May 3, 1865.

42. *Bulletin*, June 9, 1865.

43. See *Alta*, September 16, 1864. Warwick was elected assemblyman from Sacramento in September 1861.

44. *Californian*, August 26, 1865, p. 8.

45. See varying reports: *Bulletin*, August 24; *Call*, September 3; *Californian*, August 26, 1865.

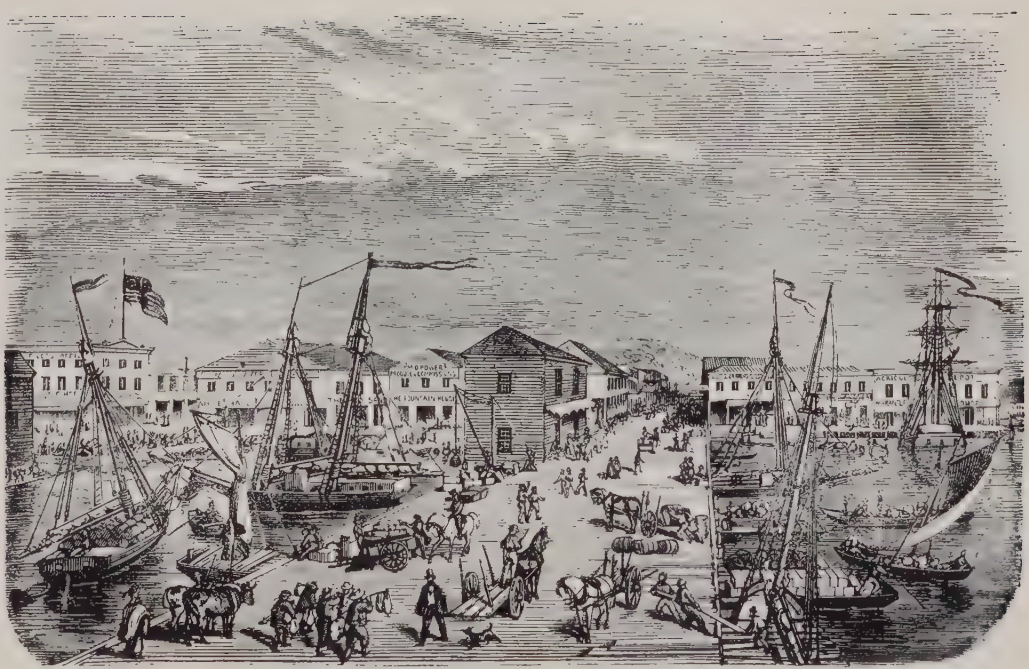
46. *Californian*, August 12, 1865, p. 12.

47. *Loc. cit.*

48. *Call*, March 18 and February 15, 1865.

49. Leman, *op. cit.*, p. 325.

50. *Call*, August 27, 1865; cf. *ibid.*, June 17, 1866, and September 8, 1867.



LONG WHARF, SAN FRANCISCO

From a letter-sheet published by Charles P. Kimball, Noisy Carrier's Publishing Hall,
and now in the Templeton Crocker Collection, California Historical Society

No. 77 Long Wharf

From Publishing Hall to Temple of Mirth

By Dolores Waldorf Bryant

ROWENA GRANICE, of the melodeons, and Charles Kimball, the Noisy Carrier, were as far apart as the poles until they met at No. 77 Long Wharf, San Francisco. She was a barn-storming "bit" actress and he a prosperous business man in a high silk hat and long-tailed coat. No. 77 gave each in turn the ready profits that meant security and achievement, while the building itself became grayer and shabbier with every year. But life and living made its mark on the actress as well as on the Noisy Carrier, and in the end each left No. 77 for a new world, after death and heartbreak had cut all bonds with the past.

No. 77's story began in the summer of 1851. Whatever had stood there before the furious fire of May 3 had been wiped out when the flames roared down from a Plaza paint shop that Saturday night, devouring buildings, streets and wharves until the very waters of the cove seemed afire. Nothing was left but muddy, ash strewn mud flats, except for a stretch of wharf some four or five blocks long, isolated out in deep water and promptly dubbed Pile Island.

Within less than a week Pile Island was connected with town by way of Sansome and Sacramento Streets. Late in July the wharf was completed straight through to the gates at Montgomery Street. Pile Island was a memory. Rows of new buildings faced each other across fresh planking built on redwood piles. Fog and the winter's storms soon aged the old and the new to the same color.

The new edition of No. 77 Long Wharf was a one story frame building knocked together in a great hurry for the rents it would return its owner, a man unknown to history. In October of 1851 the little Yankee news carrier became his tenant, moving from the Washington Block on vanished Pile Island. The first Noisy Carrier's Publishing Hall was a narrow stall, occupying less than half of the building and crammed with popular novels, standard works, illustrated weeklies, monthly magazines and newspapers from all over the world.

Cautious Kimball continued to deliver papers each morning, a calling which he had followed since he completed the first San Francisco Directory just a year past. A clerk tended shop during his absence.

Business proved so good at the Hall that Charley Kimball soon spread from the narrow stall to half of the space at No. 77 and bought the building itself. Two months later he topped this grand gesture by pressing his court-ship of Isabel Dunn, daughter of a ships' blacksmith who had a shop down at the corner of Davis and the Wharf.

Once the wedding day was set, the ambitious little Yankee concluded his next daring scheme. After considerable shopping about and dickering he engaged a carpenter to put a second story on No. 77 for the resounding sum of $600.

The addition, which ran the length of the building, included not only living quarters but a sort of mezzanine or balcony along three sides of the ground floor shop. On October 17, 1852, Charles and Isabel were married in her parents' new home in California Street, on what is now St. Mary's Square. They went to housekeeping at once in the second story flat.

On the first of September 1853, Charles Dahlman, one of Long Wharf's many clothing dealers, moved out of No. 75, leaving Charles Kimball without a tenant and possessed of an overwhelming vision of further expansion. Walls were knocked out, shelves altered, and the two stores thrown together. The Noisy Carrier now occupied No. 77 above and below stairs.

On October 9, 1853, all Long Wharf celebrated with Charley Kimball and his clerks the grand opening of the greatly enlarged Noisy Carrier's Publishing Hall. The spirit of expansion penetrated even to the floor above, where some five or six weeks later a baby boy appeared, to be named James Stephen and proudly described by his father as "another Noisy Carrier."

During the next three years No. 77 became the gayest spot on the Wharf. Flags and pennants fluttered from the false front topping the second story. Long advertising banners rippled above the planking, moored by long cables to No. 77 and the building opposite.

In the fall of 1855 old 77 could contain the ambitions of the Noisy Carrier no longer. The firm expanded and incorporated, with a board of directors. Early in 1856 the Noisy Carrier's Book and Stationery Company moved load after load of books, curios, leather goods and museum pieces to Howard's Fireproof Building, No. 64-66 Long Wharf, an L-shaped building with entrances on both Long Wharf and Battery Street. The ground floor of No. 77 was used as a warehouse for a short time, then advertised for rent. The Kimball family continued to make their home upstairs.

Sometime during the early summer the old store was rented to as strange a pair as ever came down the Wharf: Thomas Claughley, an itinerant actor, and his brisk but faded wife, Rowena Granice. They were in every degree the extreme opposite of the contented doves who nested upstairs.

Isabel Kimball worshipped the bustling little tyrant of their flat, dutifully and happily trotting in his shadow. She was just 29, three years younger than Rowena Granice, but she knew as little of life as a child. She had gone from her father's home to her husband's, from the stern code and denials of a Presbyterian household to the strict Puritan regime of a Congregational minister's grandson, who made up for his worldly back-sliding by seeing to it that those in his care saw no evil, heard no evil and spoke no evil. Life followed a rigid routine. Church twice on the Sabbath and prayer meetings on Wednesday. Music was tolerated by the Noisy Carrier if it sounded like a hymn. Theatricals he regarded with disdain, though he could not deny the profits they had returned their gold rush producers.

Thus the world downstairs in No. 77 took on the wicked allure of Bluebeard's closet when Charles rented it to that glum Mr. Claughley and his quick-spoken wife who called herself by her maiden name and had such grand ideas about making the old place over.

Rowena Granice had been married ten years when she arrived in San Francisco on March 14, 1856, from her native New York State. She also had two sons, whom she suspected her husband of deserting when his trip to California in 1853 showed no signs of producing either money or the return of the wanderer. A small-time actress who knew how to keep a barroom in order, she had supported the boys during Tom's absence and had even written thrillers to hold the wolf at a comfortable distance.

She was so incensed at Tom's reaction to their arrival that she promptly dropped the name of Claughley and referred to them as Henry and George Granice. Despite her scorn, Tom did not desert her again but tagged along down Long Wharf, either overpowered by her personality or loathe to lose the prospects of easy money.

No. 77 became the Gaieties, Temple of Mirth and Song, 15¢ admission, with a fat German bartender officiating behind the counter where once the ardent Son of Temperance, Charles Kimball, had sold books, extension pens, ink and ledgers. Rowena circulated among the patrons, managed the shows put on in the long back room (which apparently ran parallel to the Wharf), saw to it that the boys had their meals and schooling, kept Tom from imbibing too freely of the stock in trade, wrote short stories and essays, and played the leads in all the plays. Rowena was not a clinging vine.

Performances in the back room were continuous and pay small. It was difficult to recruit a cast. Sometimes she had to hire half-grown boys to play the women. Often actors broke character to move the props about and change scenes. The boys stumbled over their long full skirts, put their bonnets on backwards and clowned about while Rowena grew shrill with her efforts to keep the show going. Many a performance found her desperately prompting the rest of the cast while their "ad-libbing" threatened more and more to get out of hand, to the mounting delight of the rough crowds which patronized the place.

In the fall of 1856 Rowena met a little girl with a very ambitious mother. The child, who was about ten but looked younger, had sparkling brown eyes and a mop of black curls. What her acting lacked in technique she made up in energy. Rowena ran the child on the stage between acts one night in November, and old 77 rocked with the tumult of her instant success.

There was so much talk about little Lotta that Isabel and her sister Ann made up their minds to get just one peek, Charley or no Charley. It was impossible for them to enter the brawling Gaieties, so they finally found either a knot in the cheap pine flooring of the upstairs flat or caught a little of Rowena's spirit and bored a hole down through it. At any rate Isabel and Ann saw Lotta Crabtree for the first and probably the only time through a hole in the floor of old 77. It was a foreshortened view, but years later the two sisters remembered, with a mingling of guilt and delight, the sight of famed Lotta, jigging and singing in the smoke through a peephole in the ceiling of the wicked Temple of Mirth and Song.

Three years later the bibulous Tom Claughley suddenly decided to be the man of the family and one night boarded the door of No. 77. The next morning, August 13, 1859, Rowena ordered one of the hired hands to pry the boards away. This opening and closing of No. 77 kept up for several days. One of the newspapers described it as "dead open and shut." Tom and Rowena finally had each other arrested on mutual complaints of malicious mischief. Rowena won that bout, and Tom descended even deeper into his cups.

Seeking to change her luck, which had been increasingly bad, Rowena renamed the old place "The Varieties." A few months later Tom died of his indiscretions, eliminating a major worry for poor Rowena. But she was left with a heavy burden of debt, two half-grown boys to rear, and a show which paid little better under the new name than it had under the old.

On December 23, 1859, Lotta Crabtree came to her rescue. Advertised as "Miss Lotta" she gave a benefit performance of *Uncle Tom's Cabin* for the brave but weary woman who had been one of the first to give her a chance. It was a generous act on Lotta's part, despite her gratitude, for Long Wharf was fast becoming a street of second-hand clothing shops and vacant stores. She played Topsy, a part which she had made famous in the camps of the Mother Lode, but it is not likely that either Isabel or Ann peeked through the hole in the flooring.

Ann had married and was living uptown in staid prosperity. Isabel had two small children and a great grief to fill her thoughts. Jimmy, their first-born, was dead. Charles and the Noisy Carrier's Book and Stationery Company had reached the top of the boom during the interval and were now on the downgrade. By the time Miss Lotta gave the benefit, the firm had dissolved and the Noisy Carrier was nightly auctioning off what remained in an echoing store at 122 Commercial Street.

Six months later No. 77 stood empty, above and below. Charles Kimball had moved his family out to a small farm in Hayes Valley. Rowena Granice was writing for a living in her home on Dupont near Green.

In 1861 while broken Charles Kimball was shuffling about Hayes Valley with a dozen small town interests, Rowena Granice married Robert J. Steele, owner of a country newspaper. She went to live in Merced, where she played the part of an editor's wife with as much zeal as she had displayed in staging the shows in the back room of No. 77 Long Wharf. She became a furious Temperance worker and spoke out in meeting for woman suffrage in a day when such talk verged on blasphemy. She was a leader in church affairs and wrote obituaries for her husband's paper that made her famed throughout the Valley. Death lost some of its sting when the dying realized that life had given them at least the opportunity of being eulogized by Rowena Granice Steele.

She died in 1881 and was mourned by those who had known and loved her for twenty years. Charles Kimball died in 1894, almost forgotten, remembered less for his stern virtues than for the brief period of clowning when the only way to meet competition had been to yell louder and put on an act more comic than any of the other newsboys who swarmed the muddy streets of gold rush San Francisco.

What ultimately became of No. 77 is not clear. Fire, which had brought it into being, probably consumed it in the end. On May 28, 1861, fire swept the south side of Commercial from Sansome to Battery, burning a long row of oldtimers which had become an eyesore. Damage was estimated at $60,000 but no one seemed sorry they were gone. Whether the fire crossed Sansome and nipped off the old relic is not known. But No. 77 had lived a full life in its ten short years. It had seen about all there was to see and it had left its mark on two, each of whom was destined to find a tiny niche in history.

SOURCES

Bryant, Dolores Waldorf, "The Noisy Carrier" (unpublished MS containing Vols. V and VI of the Journal of Charles P. Kimball).

Hart, Jerome, *In Our Second Century; from an Editor's Note-Book* (San Francisco: The Pioneer Press, 1931).

Hoenes, Mrs. Mary (daughter of Ann Dunn McLea and niece of Isabel Dunn Kimball), recollections given to the author during an interview in 1938.

McCabe, James H., "Journal" (MS, typewritten copy in Sutro Branch, California State Library, San Francisco), Vols. I and II.

MacMinn, *The Theatre of the Golden Era in California* (Caldwell, Idaho: The Caxton Printers, 1941).

Rourke, Constance, *Troupers of the Gold Coast; or The Rise of Lotta Crabtree* (New York: Harcourt, Brace and Company, 1928).

San Francisco directories for the years 1852, 1854, 1856, 1859, and 1860.

San Francisco newspapers: *Alta California, Bulletin, Chronicle, Golden Era, Wide West,* etc., 1851-60, containing Noisy Carrier advertisements and announcements.

U. S. Work Projects Administration, San Francisco Theatre Research, Vol. XIV, *Burlesque* (San Francisco, 1939).

Ibid., Vol. XV, Part I, *Theatre Buildings* (San Francisco, 1940).

Recent Californiana

A Check List of Publications Relating to California

BOOKS AND PAMPHLETS

Galloway, John D.

Theodore Dehone Judah—Railroad Pioneer, Part 1, Concept of Conquest; Part 2, Surmounting the Sierra Nevada.

Reprinted from *Civil Engineering*, October and November 1941, pp. 586-88, 648-51.

Gardner, Frances Tomlinson

Pedro Prat—Surgeon of the Spanish Conquest. [New York]: Paul B. Hoeber, Inc., 1941.

Reprinted from *Annals of Medical History*, Third Series, III (November 1941).

Gipson, Richard McCandless

The Life of Emma Thursby 1845-1931. New York: The New-York Historical Society, 1940. xxii + 470 pp., illus. Deluxe edition. $7.50.

Mentions Emma Thursby's concert trips to California in 1869, 1883, and 1890.

Harland, Mrs. Hester

Reminiscences. [San Francisco: privately mimeographed, 1941].

Harte, Bret

Representative Selections, with Introduction, Bibliography, and Notes by Joseph B. Harrison. New York: American Book Company [1941]. cxxviii + 416 pp., port. $1.25.

Heizer, Robert F.

The Direct-Historical Approach in California Archaeology.

Reprinted from *American Antiquity*, VII (October 1941), pp. 98-122.

Knowland, Joseph R.

California, a Landmark History: Story of the Preservation and Marking of Early Day Shrines. [Oakland: Tribune Press, 1941.] xviii + 245 pp., illus. $3.50.

Lienhard, Heinrich

A Pioneer at Sutter's Fort, 1846-1850: the Adventures of Heinrich Lienhard. No. 3 of the Calafia Series. Translated, Edited, and Annotated by Marguerite Eyer Wilbur from the Original German Manuscript. Los Angeles: The Calafia Society, 1941. xix + 291 pp. $5.00.

Lyman, John

The Sailing Vessels of the Pacific Coast and Their Builders, 1850-1905. Bulletin No. 2 of the Maritime Research Society of San Diego.

Reprinted from *Americana*, Vol. XXXV, No. 2 (April 1941). 36 pp., illus.

[MacMullen, G. F., comp.]

Sailing Vessels in the San Diego Trade. Bulletin No. 1 of the Maritime Research Society of San Diego, May 1940. 15¢.

Milligan, Clarence P.

Death Valley and Scotty. Los Angeles: The Ward Ritchie Press, 1942. [v] + 194 pp., end-paper map. $2.50.

Powell, Lawrence Clark

Philosopher Pickett: The Life and Writings of Charles Edward Pickett, Esq., of Virginia, Who Came Overland to the Pacific Coast in 1842-43 and for Forty Years Waged War with Pen and Pamphlet against All Manner of Public Abuses in Oregon and California; Including also Unpublished Letters Written by Him from Yerba Buena at the Time of the Conquest of California by the United States in 1846-47.

Berkeley and Los Angeles: University of California Press, 1942. xv + 178 pp., illus. $1.50.

ROWLAND, LEON

Old Santa Cruz Mission [Santa Cruz, 1941.] 32 pp., illus. 50¢.

SAROYAN, WILLIAM

Hilltop Russians in San Francisco. [Stanford University]: James Ladd Delkin, 1941. [About 85 pages, unnumbered.] $7.50.

SOUTHERN, MAY HAZEL

Our Storied Landmarks, Shasta County, California. [San Francisco: Privately Printed, 1942.] 100 pp., illus. 75¢.

U. S. WORK PROJECTS ADMINISTRATION

A Bibliography of National Parks and Monuments West of the Mississippi River. Vol. I [Washington]: U. S. Department of the Interior National Park Service, 1941.

——Guide to Depositories of Manuscript Collections in the United States: California. Los Angeles: The Southern California Historical Records Survey Project, 1941. vii + 76 pp. [Mimeographed.]

——Santa Barbara, a Guide to the Channel City and Its Environs. Compiled and Written by the Southern California Writers' Project of the Work Projects Administration. American Guide Series. Sponsored by Santa Barbara State College. New York: Hastings House, 1941. xviii + 206 pp., illus. $2.00.

WEBER, SHIRLEY H., ed.

Schliemann's First Visit to America 1850-51. Published for The American School of Classical Studies at Athens. Cambridge, Massachusetts: Harvard University Press, 1942. ix + 111 pp. $2.50.

"Residence in California," pp. 54-75.

ARTICLES IN PERIODICALS

THE ARROYAN

Vol. XXIII, Nos. 2-10 (March-December 1941), contain: "Robert Louis Stevenson in the Golden State," by Frank R. Pavert.

CALIFORNIA FOLKLORE QUARTERLY

Vol. I, No. 1 (January 1942), contains: "Samuel Hall's Family Tree," by Bertrand H. Bronson; "The Recording of Folk Music in California," by Sidney Robertson Cowell; "California Miners' Folklore: Above Ground," by Wayland D. Hand.

NATIONAL MOTORIST

Vol. XVIII, Nos. 7-8 (December 1941-January 1942), contain: "'Chips,' of Wells, Fargo & Co.," by Edna Bryan Buckbee.

QUARTERLY OF HISTORICAL SOCIETY OF SOUTHERN CALIFORNIA

Vol. XXIII, Nos. 3-4 (September-December 1941), contain: "When the Americans Came to Pomona Valley," by Roy M. Fryer; "Southern California's First Newspaper: The Founding of the Los Angeles Star, Part III," by William B. Rice; "Tomás Yorba, His Wife Vicenta, and His Account Book," by Terry E. Stephenson; "Early Franciscan Activities on the West Coast," by Henry R. Wagner.

Seventy-five copies of Mr. Wagner's article were also printed separately for the Zamorano Club.

WESTWAYS

Vol. XXXIII, No. 12, Pt. 1 (December 1941), contains: "California's Forgotten Eagle [John Montgomery]," by Farnsworth Crowder; "Oasis Boomtown [Twenty-Nine Palms]," by Louis L. Jacobs; Vol. XXXIV, No. 2 (February 1942), contains: "Death Comes to Fort Mojave," by Erwin Hein; "Built in the Golden Fifties," photographs by Don Hill; "Reception for the General [Winfield Scott]," by Dolores Waldorf Bryant.

News of Society

Meetings

On December 16, 1941, the California Historical Society held a luncheon meeting in the Comstock Room of the Palace Hotel, at which the topic of the day was "More Light on Drake's Bay." Allen L. Chickering, president of the Society, presided. The paper read by Dr. Robert F. Heizer, of the Department of Anthropology, University of California, was afterward printed in the December 1941 issue of this QUARTERLY as "Archeological Evidence of Sebastian Rodríguez Cermeño's California Visit in 1595." At the meeting this was followed by a discussion by Dr. A. L. Kroeber, which, with Dr. Heizer's paper and the report of Drs. Colin B. Fink and E. P. Polushkin concerning the iron spikes submitted with the fragments of chinaware as evidence of Cermeño's visit, will soon be published by the Society in pamphlet form. Sixty-four members and guests attended the meeting.

At the Annual Business Meeting of the Society, held at the Palace Hotel on January 23, 1942, Mr. Leon O. Whitsell spoke on "Lansford W. Hastings, Man of Action and Vision." The speaker told of Hastings' first trip overland to Oregon in 1842, with a party of emigrants of which he became captain, succeeding Dr. Elijah White, and for which Thomas Fitzpatrick served as guide. Hastings helped lay out Oregon City and for a short while worked for Dr. John McLaughlin selling lots. The following year he led a small party to California, where, at Sutter's Fort, he worked on his famous guide book which, finished after his return to Ohio, was published in Cincinnati in 1845 as "The Emigrant's Guide to Oregon and California." Mr. Whitsell also outlined the many activities engaged in by Hastings in California between 1846 and 1850: the laying out of the town of Sutterville, with John Bidwell, in 1846, and the unsuccessful attempt to found the town of Montezuma; Hastings' practice of law in Sacramento and his participation in the Constitutional Convention. The speaker also told of Hastings' offer to Jefferson Davis to send militiamen to Arizona as miners in hopes of capturing a good part of the Southwest for the Confederacy. Mr. Whitsell finished his talk with a sketch of the unsuccessful project to found a colony in Brazil after the Civil War with families from the South.

There were thirty-five members and guests present.

The monthly luncheon meeting of the Society was held on February 17 at the Palace Hotel, with the new president, Mr. Walter A. Starr, presiding. Seventy-two members and guests were present. The speaker was the Hon. Joseph R. Knowland, author of the recently published book, *California, a*

Landmark History, and his subject was "Progress Made, and Work Ahead, in Preserving Our Historic Landmarks." Mr. Knowland discussed the state of preservation of the missions and remarked that they were now in better condition than they have been for many years. He referred to the good work done by the C.C.C. boys at La Purisima and the restoration of Mission San Miguel, and said that San Antonio and Soledad still need restoration. He referred to the acquisition of the old Custom House at Monterey with money put up in part by the state and told of the controversy over the inscription on the Marshall Monument at Coloma. The problem was finally solved by putting up a bronze plaque with the following inscription: ". . . In Memory of James W. Marshall 1810-1885 Whose Discovery of Gold January 24, 1848, in the Tailrace of Sutter's Mill, at Coloma, Started the Great Rush of Argonauts. Monument Unveiled May 3, 1890."

Mr. Knowland read, from a manuscript Dr. S. H. Willey had written for the speaker over thirty years ago, a description of Colton Hall and the Constitutional Convention. He also spoke of San Francisco landmarks yet to be marked, such as the site of the mass meeting at which Thomas Starr King delivered an address in favor of the Union in 1861, Portsmouth Plaza, the Signal Station on Telegraph Hill, Woodward's Gardens, and the Russ Gardens.

WARREN R. HOWELL

Annual Meeting

The Annual Business Meeting of the California Historical Society was held on Friday, January 23, 1942, at the Palace Hotel, pursuant to a notice sent to all members. Mr. Allen L. Chickering, President of the Society, presided.

The Secretary being absent, the President presented the minutes of the Annual Business Meeting of January 24, 1941, but on motion duly made, seconded, and carried, the reading of the minutes was dispensed with.

The President, having appointed Miss Dorothy H. Huggins and Mrs. Jeanne Van Nostrand tellers to count the ballots for Directors which had been received by mail and at the meeting, announced that their report showed that 181 ballots had been cast, and that of these the following fifteen had received the majority of votes:

Robert E. Cowan
Templeton Crocker
Charles S. Cushing
Aubrey Drury
Sidney M. Ehrman
Mrs. John O. Gantner
Morton R. Gibbons
Warren R. Howell
A. T. Leonard, Jr.
George D. Lyman
F. W. McNear
C. O. G. Miller
*James K. Moffitt
Walter A. Starr
Mrs. Daniel Volkmann

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*At the first meeting of the new Board of Directors (on January 28, 1942), Mr. Moffitt's resignation from the Board was presented and was accepted with great regret. Mr. Anson S. Blake thereupon was elected to fill the vacancy.

He thereupon declared that the foregoing had been elected Directors to serve during the ensuing year and until their successors are elected and qualify.

The President then summarized briefly the report which the Secretary and Treasurer had prepared for the year 1941, and on motion duly made, seconded, and carried, the report was accepted and ordered spread upon the minutes. The report follows:

Report of the Secretary and Treasurer

For the Year Ending December 31, 1941

The year 1941 resulted in a net gain of 12 members. At the end of the year 1940 we had 590 members, of which 19 were patron and 21 were sustaining. During the year 1941, 52 new members were elected and 4 former members were reinstated; 26 resignations were accepted; 12 members were dropped for non-payment of dues, 5 died, and notice was received of a death which had occurred during the previous year. One patron and 3 active members were transferred to sustaining membership during the year 1941. At the end of the year we had 602 members, of which 18 were patron and 25 were sustaining.

MEETINGS

Six Directors' meetings were held during the year, and nine luncheon meetings, the first of which included the annual business meeting of the members. The subjects and speakers at the luncheon meetings were as follows:

Jan. 24—"Early Inns of California," by Mr. Ralph H. Cross, Sr.
Feb. 18—"The History of the Sutro Tunnel to Its Completion," by Mr. David Davies.
Mar. 25—"The Historical Writings on the California Chinese," by Mr. William Hoy.
Apr. 22—"The Booksellers of Old San Francisco," by Mr. Robert Ernest Cowan.
May 20—"Local History in the United States: the Sesquicentennial of the Massachusetts Historical Society," by Dr. Frederic L. Paxson.
June 10—"James McHall Jones, the Judge That Never Presided," by Hon. George Cosgrave.
Aug. 19—"A Tenderfoot's Adventures in Hunting California History," by Mr. Rodman W. Paul.
Oct. 26—A sketch of the life of Captain Charles M. Weber, by Hon. Charles M. Weber.
Nov. 18—"Robert Louis Stevenson in California," by Laura Bride Powers.

The October luncheon was held at the Hotel Stockton, in the city of Stockton. The members and their guests afterwards visited the Haggin Memorial Art Gallery and Museum, where letters, documents, and other mementoes of Captain Weber were on display, and then went out to the old Weber house, where they were guests of Mrs. Gerald D. Kennedy, Captain Weber's granddaughter.

GIFTS AND LOANS

For gifts and loans of books, pamphlets, pictures, maps, manuscripts, and historical items, the Society is indebted to the following:

Alameda County Library, Alaska Commercial Company, Mrs. Philip Alexander, Automobile Club of Southern California, Mr. Lydell Baker, Mr. Anson S. Blake, Bohemian Club, Mr. Frederick J. Bowlen, Mrs. Philip R. Bradley, Mr. Thomas P. Brown, Mr. Spencer C. Browne, Mr. E. A. Burbank, Mr. McDonald Burleigh, California State Automobile Association, Lt. Lawrence H. Casserly, Mrs. George W. Caswell, Dr. John W. Caughey, The Caxton Printers, Ltd., Mr. Allen L. Chickering, Miss Fanny J. Chipman, Mrs. W. F. Chipman, Mr. Edmond D. Coblentz, Mrs. Edmond D. Coblentz, Dr. Fritz L. Cohn, Mr. M. L. Colvin, Mr. Paul Darrell, Miss Eleanor M. Davenport, Mr. Harry E. Davis, Mrs. Howard W. Derby, Miss Lucie Dobbie, Mrs. Marie Dumont, Mrs. Thomas B. Eastland, Miss Alice Eastwood, Mr. Edward Eberstadt, Miss Regina Emmerich, Mrs. Milton H. Esberg, Prof. E. O. Essig, Mr. T. M. Fairchild, Mr. Francis P. Farquhar, Mrs. Miriam Feldheym, Mr. James K. Fisk, Dr. Charles E. Fryer, Mr. John D. Galloway, Mrs. Frances Tomlinson Gardner, Kenneth D. Gardner, M.D., Mr. Alfred Ghirardelli, Edgar L. Gilcreest, M.D., Mrs. I. Goodfriend, Grass Valley *Morning Union*, Mr. George L. Harding, Mrs. Jerome A. Hart, Hastings House, Dr. Robert F. Heizer, Mr. Harry Hewlett, Mr. F. Hal Higgins, Dr. Joel H. Hildebrand, Mr. Erwin M. Hirschfelder, Miss Alice Colden Hoffman, Mr. John Thomas Howell, Mr. Harry D. Hubbard, The Huntington Library, Miss Stella Huntington, Mr. J. J. Jackson, Messrs. Forrest and Robert Jenkin, Mr. J. C. Jensen, Mrs. John G. Johnston, Mr. Lawton R. Kennedy, Mr. Willis H. Kerr, Mr. Frank E. Kilpatrick, Mr. Charles E. King, Alfred A. Knopf, Publisher, Mr. Joseph R. Knowland, Mr. William C. Latham, Committee on Historic Property, Laurel Hill Cemetery Association, Mrs. Mabel Lewis, Little, Brown & Company, C. K. McClatchy Senior High School, Mrs. Lawrence McGarry, Mr. George R. MacMinn, Mr. J. W. Mailliard, Jr., Mr. George A. Merrill, Mr. Gregor C. Merrill, Mr. Theodore E. Merritt, Mr. Guy C. Miller, Miss Juanita J. Miller, Mr. Ralph L. Milliken, Miss Frances M. Molera, Norwegian American Historical Association, Capt R. E. O'Neill, Mr. M. A. Peel, Mr. Lawrence Clark Powell, Mrs. Laura Bride Powers, Mrs. Mae Fisher Purcell, Rancho Santa Ana Botanic Garden, Miss Lillian Roark, Miss Leigh Robbins, Mr. Lester Roberts, Mr. Walter C. Schmidt, Mr. A. Schonfeld, Mr. Walter Stalder, Stanford University Press, Mrs. Gertrude A. Steger, Mrs. Sigmund Stern, Mr. George E. Stone, Mr. H. J. Tanner, Mr. Brian Thompson, Toronto Public Libraries, Mr. D. Q. Troy, U. S. Dept. of State, U. S. Work Projects Administration, University of California Press, University of Pennsylvania, Univ. of Texas, Institute of Latin-American Studies, University of Washington, Mr. Neal Van Sooy, Mr. Crittenden Van Wyck, Mr. H. R. Wagner, Miss Margaret Wallace, Mrs. Louis T. Ward, Ward Ritchie Press, Mrs. Charles H. Watson, Mr. Elmo Scott Watson, Miss Florence M. White, Mr. Leon Whitsell, Mrs. Alice Wilson, Mr. E. A. Wiltsee, Miss Lottie G. Woods, Mr. Samuel I. Wormser.

Bookcases were also presented to the Society by Miss Elena Beales, Mr. Frederick J. Bowlen, and Miss Fanny J. Chipman, and we are indebted to Mrs. Daniel G. Volkmann for a typewriter.

FINANCIAL

In order to assist the Society in carrying on its activities, contributions of money were received from Mr. Anson S. Blake, Mr. Allen L. Chickering, Mr. Sidney M. Ehrman, Mr. Ralph W. Kinney, Mr. C. O. G. Miller, Mr. Maxwell C. Milton, Mr. J. K. Moffitt, Mr. William H. Orrick, and Mr. E. A. Wiltsee.

The following is a summary of the receipts and disbursements of the General Fund and of the Publication Fund for the year:

GENERAL FUND RECEIPTS AND EXPENDITURES

For the Year Ended December 31, 1941

RECEIPTS		
Dues:		
Active Members	$5,245.00	
Patron Members	1,800.00	
Sustaining Members	625.00	$7,670.00
Contributions:		
General Purposes	$1,265.00	
Special Purposes	121.00	1,386.00
Sales—Quarterlies		167.25
Total Receipts		$9,223.25
EXPENDITURES		
Operating Expenses:		
Salaries	$3,668.60	
Rent	1,800.00	
Telephone	75.08	
Postage and Express	111.90	
Office Expenses	173.34	
Printing	120.77	
Insurance	290.70	
Miscellaneous	75.67	$6,316.06
Luncheon Expense		240.39
Quarterly Publication Costs		2,688.30
Total Regular Expenses		$9,244.75
Special Expenses:		
Equipment	$ 24.71	
Purchases from Donated Funds	121.00	145.71
Total Expenditures		$9,390.46
EXCESS OF EXPENDITURES OVER RECEIPTS		167.21
FUND BALANCE AT BEGINNING OF YEAR		499.47
FUND BALANCE AT END OF YEAR		$ 332.26

PUBLICATION FUND RECEIPTS AND EXPENDITURES

For the Year Ended December 31, 1941

Sales of Publications		$1,451.54
Cost of Sales:		
Inventory at Beginning of Year	$2,568.90	
Additions to Inventory, at Cost	826.30	
Total	$3,395.20	
Inventory at End of Year	2,354.10	1,041.10
Gross Profit from Sales		$ 410.44
Selling Expenses (Circulars, etc.)		127.01
Net Gain from Sales		$ 283.43
Interest on Savings Account		20.46
Net Gain to Fund		$ 303.89
Fund Balance at Beginning of Year		3,736.58
		$4,040.47
Less: Adjustment in Inventory Valuation		411.40
Fund Balance at End of Year		$3,629.07

BALANCE SHEET

As at December 31, 1941

Assets		
Cash—Wells Fargo Bank and Union Trust Company:		
Commercial Accounts	$ 559.61	
Savings Account	1,630.81	
Office Cash Fund	10.00	$2,200.42
Accounts Receivable:		
General Fund	$ 13.82	
Publication Fund	30.05	43.87
Inventory of Publications		1,942.70
Total Assets*		$4,186.99
Liabilities		
State Sales Tax Payable		$ 5.66
Prepaid Dues		220.00
Total Liabilities		$ 225.66
Funds		
General Fund	$ 332.26	
Publication Fund	3,629.07	3,961.33
Total Liabilities and Funds		$4,186.99

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*Library and Collections, and Furniture and Equipment are not valued on the books.

PUBLICATIONS

During the year the Society issued one new special publication: *Juan Rodríguez Cabrillo, Discoverer of the Coast of California*, by Henry R. Wagner. An inventory of the back issues of the QUARTERLY was taken by Mr. Harding, and, with the approval of the Board of Directors, the prices were reduced on complete volumes of the more plentiful ones. An inventory of the unsold separate publications was also taken, and at the direction of the Board of Directors they were revalued for inventory purposes at 50 per cent of their retail sale price, except in the case of the three most recent publications, which were inventoried at cost.

Respectfully submitted,
ANSON S. BLAKE, *Secretary*

The President then called for any other business which any member might wish to present.

Mr. Walter A. Starr then moved that a vote of thanks and appreciation be given to the retiring President, Mr. Allen L. Chickering, for his remarkably fine administration of the affairs of the Society during his incumbency, and for his loyalty and devotion to the Society's interests and welfare. The motion was seconded and was unanimously carried.

Dr. A. T. Leonard, Jr., then moved that a vote of thanks and appreciation be given to Mr. Anson S. Blake, the retiring Secretary and Treasurer, for his long and devoted service and the excellent performance of his duties as Secretary and Treasurer of the Society. The motion was seconded and was unanimously carried.

There being no further business, on motion duly made, seconded and carried, the meeting adjourned.

WARREN R. HOWELL, *Secretary*

Gifts Received by the Society

November 16, 1941, to February 28, 1942

BOOKS AND PAMPHLETS

From ALBERT M. BENDER FUND of THE BOOK CLUB OF CALIFORNIA—*An Account of a Visit to California 1826-27 Reprinted from a Narrative of a Voyage to the Pacific . . . Under the Command of Captain F. W. Beechey, in 1825, '26, '27, '28*, introd. by Edith M. Coulter [San Francisco]: Grabhorn Press for The Book Club of California [1941]; *California on Canvas, a Portfolio of Paintings of Early California Scenes by Contemporary Artists*, Nos. 1-8 [San Francisco]: The Book Club of California, 1941.

From BANK OF AMERICA—*Cornerstones of California* [San Francisco, 1941].

From THE BOHEMIAN CLUB—Grove Plays: Dobie, Charles Caldwell, *Ilya of Murom*, San Francisco, 1920; Greene, Clay M., *John of Nepomuk*, San Francisco, 1921; Hotaling, Richard M., *The Twilight of the Kings*, San Francisco, 1918; Norris, Charles G., *The Rout of the Philistines*, San Francisco, 1922; Redding, Joseph D., *Semper Virens* [San Francisco], 1923; Wilson, Harry Leon, *Life*, San Francisco, 1919.

From MRS. PHILIP R. BRADLEY—Harland, Mrs. Hester, *Reminiscences* [Mimeographed, San Francisco, 1941].

From MR. ALLEN L. CHICKERING—Chickering, William H., *Within the Sound of These Waves, the Story of the Kings of Hawaii Island, Containing a Full Account of the Death of Captain Cook, together with the Hawaiian Adventures of George Vancouver and Sundry Other Mariners*, New York: Harcourt, Brace and Company [1941].

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MAPS AND PICTURES

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From FIREMAN'S FUND INSURANCE COMPANY—Photograph of Map of San Francisco . . ., compiled . . . by Alex. Zakreski, 1854.

From PROFESSOR CHARLES E. FRYER—Photostatic copy of a French broadside, "Californie . . . Cie des Mines D'Or" (framed).

From MR. JOHN D. GALLOWAY—Panoramic photograph of San Francisco on the morning of April 18, 1906, taken from the roof of the Fairmont Hotel, by B. R. T. Waters & Company (framed).

From HENRY E. HUNTINGTON LIBRARY AND ART GALLERY—Large map showing portions of Alameda and Contra Costa counties, the City and County of San Francisco, compiled under the direction of Theodore Wagner, drawn by George Sandow, 1894.

From MRS. ALMA H. JANNAPOLIS—Photograph of Stephen Hedden Williams.

From MRS. HANS LISSER—Several chromo-lithographs of the Panama-Pacific International Exposition, 1915, and other pictures of missions, etc.

From MR. GEORGE A. MERRILL—2 photostatic copies of maps of San Francisco harbor, by Capt. F. W. Beechey, one from the London, 1831, edition of his *Narrative*, the other with additions to 1851 from an American map.

From MR. FRANKLIN MITTAU—35 postcards of California scenes.

From CAPTAIN R. E. O'NEILL—Large, framed photograph of San Miguel Mission, before restoration; 4 smaller unframed photographs of Santa Barbara, and 1 each of Arroya Honda stage, 1896; Lompoc stage, 1896; Grave of Capt. Joseph R. Walker in Martinez cemetery; Sutter's Fort and the Embarcadero at Sacramento, from early drawings.

From MR. LESTER ROBERTS—4 photographs: Robert MacKintosh (2), Ph. Moignard, and an unidentified person.

From MRS. WILLIAM A. WOOD—Crayon portrait of Samuel Green McMahan (framed).

From MISS LOTTIE G. WOODS—Map of the City and County of San Francisco, compiled from official surveys . . . for the San Francisco Health Department.

MISCELLANEOUS

From ANONYMOUS—Supreme Court, State of California, license of John A. Wright as an attorney and counsellor, October 3, 1879 (framed).

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From MRS. ALMA H. JANNAPOLIS—24 Programs and Souvenirs of the 1870's in San Francisco.

From MR. J. C. JENSEN—San Francisco Work Horse Parade Association driver's certificate, awarded to Ike Van Norden, September 9, 1909.

From MRS. HANS LISSER—Scrapbook of newspaper clippings.

From MR. SIDNEY RHEIN—4 deeds and 4 receipts relative to the estate of Isidor N. Choynski and Harriet Choynski, San Francisco, 1861-1886.

From MRS. GERTRUDE A. STEGER—"Concerning Ft. Bidwell, Ft. Crook, and Ft. Jones, California," 4 typewritten pages of information from the National Archives, Washington, D. C.

In Memoriam

LLEWELLYN BIXBY

1879-1942

The sudden passing of Llewellyn Bixby on January 26 was a great shock to his friends and associates throughout California.

He was born in Los Angeles on August 21, 1879, and, barring a few years away at school, remained a resident of his native state all his life. Mr. Bixby was the only son of Lewellyn Bixby, who came to California in 1851 and a few years later, with his cousins, Benjamin and Thomas Flint, organized Flint, Bixby & Company, which became one of the largest land-owning and wool-growing concerns in the state.

True to his ancestry, Llewellyn Bixby was active in the business, civic, and social life of Long Beach, which was his home for thirty-seven years prior to his death. After graduating from Pomona College in 1901, he attended the Massachusetts Institute of Technology, from which he graduated in 1904. Returning to his home state, he studied law for a time but gave this up to devote his attention to his own extensive interests.

In 1901 Mr. Bixby was married to Avis Smith, who, with their daughter Avis (Mrs. Paul H. Dudley) and son, Llewellyn, Jr., survives him.

Mr. Bixby was a member of the University, the Pacific Coast, Virginia Country, and Rotary clubs, in the Long Beach-Los Angeles area, as well as of the California Historical Society, in which he took much interest. He was a member of the Sierra Club and was an enthusiastic hiker, going on the annual "high trip" whenever it was possible for him to do so. With his genial disposition and thorough enjoyment of the grand scenery of our Sierra Nevada, he made a wonderful trail companion.

In the passing of Mr. Bixby the community in which he made his home loses a valuable citizen in its business life and a generous donor to all its charitable organizations.

VICTOR B. STEWART

MRS. AMADEO PETER GIANNINI

1869-1941

It is with great regret that we report the death of Mrs. A. P. Giannini, who passed away on December 21, 1941, in Mills Memorial Hospital, San Mateo, after a brief illness.

In the little community of Volcano, in Amador County, Clorinda Agnes Cuneo was born seventy-two years ago, the daughter of Mr. and Mrs. Joseph Cuneo. Her father had come to California during the gold rush, by way of the Isthmus of Panama, and had gone immediately to Amador County, where he became a miner and storekeeper. In 1877, however, the family moved to San Francisco, where the father became a successful businessman and owner of a large quantity of real estate.

On September 14, 1892, Clorinda Cuneo became the wife of Amadeo Peter Giannini, now the well-known San Francisco banker.

Mrs. Giannini was active in all types of community and cultural service and was consistently named on committees of all types, on which she served in more than an honorary capacity. She was a member of the California Historical Society for almost fourteen years. Her last public appearance was at the dedication of the new headquarters building of the Bank of America, in San Francisco, on the evening of December 9.

In addition to her husband, Mrs. Giannini is survived by their daughter, Claire (Mrs. Clifford B. Hoffman); their son, Lawrence Mario Giannini, president of the Bank of America; a brother, Clarence Cuneo, of San Francisco; and four sisters: Mrs. John L. DeBenedetti, of San Mateo; Mrs. A. F. Cuneo, of Chicago; Mrs. C. F. Cuneo, and Regina A. Cuneo, of San Francisco.

Joseph Donohoe Grant

1858-1942

Joseph Donohoe Grant, financier and industrialist, leader in the Save-the-Redwoods movement and other philanthropic causes, died on February 19, 1942, in San Francisco.

He was born in this city on March 28, 1858. Son of pioneer parents, he carried on the best traditions of the builders of the West. The name of Adam Grant, his father, who came here in 1850, is commemorated in an outstanding office building, on the site of his early enterprises as a merchant. Joseph D. Grant's mother was Emma Gummer Grant, who arrived in San Francisco in 1849.

After his attendance at the University of California, the only child of this fine couple traveled extensively abroad, but he was a worker and he returned to an active career in California business. He was a *ranchero*, too, near San Luis Obispo and near Mount Hamilton, where he held the Halls Valley Ranch since the early eighties. In 1881 he entered Murphy, Grant & Co., the wholesale drygoods concern of which his father was a founder, and working his way through the departments became president in 1904. This business was sold in 1912, as Mr. Grant turned his attention to other activities.

In three important fields of Western industry—petroleum, steel, and hydro-electric power—Joseph D. Grant was a leader, and in each of them he pioneered. He was first vice-president of the General Petroleum Corporation, president of the Columbia Steel Corporation, and chairman of the board of California-Oregon Power Company. He was president of the

Grant Company and a director of the Bank of California and of several corporations.

But business affairs did not monopolize his time—far from it. In the cultural life of the West, Mr. Grant took an active part. A friend of Senator and Mrs. Leland Stanford, since 1891 he was a life trustee of Stanford University. Fittingly, he was honorary chairman of the Stanford Semi-Centennial Celebration, 1941.

Mr. Grant was a patron member of the California Historical Society, from 1922. He served as president of the San Francisco Art Association, as vice-president of the California Academy of Sciences, and as a director of the Musical Association of San Francisco.

Friendliness was eminently his. Since 1882, he had been a member of the Bohemian Club. In 1879 he joined the Pacific Club; in 1886, the Union Club; and in 1889, he aided in combining these into the Pacific-Union, of which he served for a term as president.

In the field of sport, Joseph D. Grant was one of the first to introduce golf and polo into California. As an angler and hunter he enjoyed a lifetime of zestful sport, and he took keen interest in yachting. He was a life member of the Olympic Club of San Francisco.

The public cause in which Mr. Grant was most active is the Save-the-Redwoods movement, which has been called the most successful conservation work in America. At the time of his death, Mr. Grant had served for twenty-one years as chairman of the board of directors, Save-the-Redwoods League. The J. D. Grant Grove in the Del Norte coast region is one token of his enthusiasm for this cause.

An outstanding quality was his abiding faith in the destiny of his native city. "The people of San Francisco," he commented, "have always known how to enjoy the good things of life." So, notably, did Joseph D. Grant.

Surviving him are his widow, Mrs. Edith Macleay Grant; a son, Douglas Grant; and two daughters, Mrs. W. S. McCreery and Mrs. Kent Ordway.

AUBREY DRURY

New Members

Patron

NAME	ADDRESS	PROPOSED BY
Russell, Mrs. Henry Potter	Burlingame, Calif.	Mr. Allen L. Chickering

Active

NAME	ADDRESS	PROPOSED BY
Ames, George Walcott, Jr.	Berkeley, Calif.	Mr. Allen L. Chickering
Beardsley, Richard K.	Berkeley, Calif.	Mr. Allen L. Chickering
Bender, Albert M., & Co.	San Francisco	Miss Dorothy H. Huggins
Dingley, Charles L.	Oakland, Calif.	Miss Dorothy H. Huggins
Ellis, Ralph	Berkeley, Calif.	Mr. Warren R. Howell
Fricot, Mrs. Desiré	Angels Camp, Calif.	Miss Dorothy H. Huggins
Heizer, Robert F.	Berkeley, Calif.	Mr. Allen L. Chickering
Hussey, John A.	Berkeley, Calif.	Mr. Allen L. Chickering
Jackson, Mrs. Charles M.	Stockton, Calif.	Mr. Anson S. Blake
Lee, Allen	San Mateo, Calif.	Mr. Warren R. Howell
Noble, William H.	San Francisco	Mr. Warren R. Howell
Perkins, Edward	San Francisco	Miss Dorothy H. Huggins
Rosekrans, John N.	San Francisco	Mr. Warren R. Howell
Thomas, Edwin James	Palo Alto, Calif.	Mrs. J. W. Goodwin
Volkmann, William, Jr.	San Francisco	Mrs. Daniel Volkmann
*Walker, Ben R.	Fresno, Calif.	Mr. Robert H. Edgerton
West, Frank A.	San Francisco	Mr. Warren R. Howell

Reclassifications in Memberships

From Active to Sustaining

Blake, Anson S.
Boggs, Mae Helene Bacon
Daley, Jeanette E.
McEnerney, Garret W.
Wilbur, Marguerite Eyer

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*Former member, reinstated.

Marginalia

Twenty years and more have elapsed since Messrs. Templeton Crocker and Henry R. Wagner gathered together a small group of their friends to discuss plans for reviving the California Historical Society, which had lain dormant for many years; and twenty years ago, on the 16th of March, a few of the members of the old Society met and elected forty-two new ones—the nucleus of the present Society. From less than fifty the membership has increased to over six hundred; from a small room in the old Wells Fargo Building the Society has advanced to attractive quarters occupying half of both floors of Pioneer Hall; and the California Historical Society QUARTERLY, now in its twenty-first volume, has more than maintained the high standard with which it began its publication in July 1922. We hope that the next twenty years will show even greater progress.

In recognition of this anniversary Mr. Templeton Crocker has recently made a substantial addition to the Society's library and picture collection, including a number of prints and books of considerable rarity. The gift will be described in more detail in our June number.

Three of our new members are contributors to this issue and have been mentioned on other pages. Of our other new members:

Mrs. Henry Potter Russell is the granddaughter of Charles Crocker of overland railroad fame, the daughter of the late William H. Crocker, a patron member of the Society, and sister of William W. Crocker, also a patron member. She herself is a director of the Crocker-First National Bank, San Francisco, and is well known for her support of and participation in philanthropic and cultural activities.

Richard King Beardsley succeeded Robert F. Heizer as supervisor of the excavations made by the field expedition from the Department of Anthropology, University of California, at Drake's Bay in 1940-41, which brought to light the chinaware fragments and iron spikes from Cermeño's vessel.

Albert M. Bender & Co. is continuing the membership of our late member, Mr. Albert M. Bender, whose obituary was printed in the March 1941 issue of this QUARTERLY. Similarly, Mrs. Desiré Fricot is carrying on the membership of her late husband, whose death was recorded in our December 1940 number.

Mr. Charles L. Dingley is the son of Capt. Charles L. Dingley, who came to California from Maine in 1851 and became a successful ship owner and lumber merchant in San Francisco. The present Mr. Dingley began his business career in the flour industry in Salinas, but has been associated with the Mountain View Cemetery Association, as a lot owner or executive, for the past fifty years.

William Volkmann, Jr., is the grandson of George F. Volkmann, one of the founders of the sixty year old San Francisco firm, A. Schilling and Company. He is the great grandson of William Daegener, Wells Fargo and Company's agent at Columbia from 1852 to 1872, whose daughter (Mr. Volkmann's grandmother) was born in the old Wells Fargo Building in that historic town.

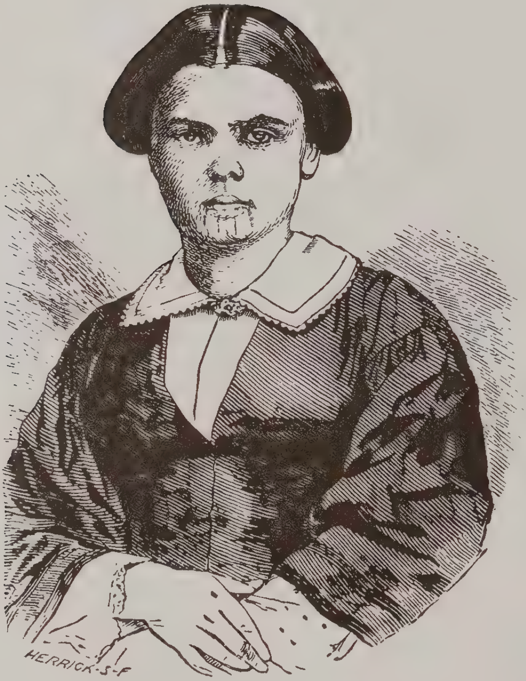
Mr. Ben Randal Walker, who came to California from Iowa in 1887, holds the degrees of B.L. and M.A. from the University of California. For almost thirty years he was a member of the editorial staff of the Fresno *Morning Republican* and is now on the faculty of Fresno State College. He is the president of the Fresno County Historical Society, of which he was one of its founders in 1919, and has written and edited various books and articles concerning the history of Fresno County.

Mr. Frank West is the grandson of George West, one of the earliest vintners in California. His other grandfather was Real Terry, the nephew of Judge David S. Terry.

Several of our members from out of town visited the Society's rooms during the month of February, among them His Honour Judge F. W. Howay, of New Westminster, B. C.; Mr. Thomas W. Streeter, of Morristown, New Jersey; Mr. Robert E. Cowan, of Los Angeles; and Dr. Henry R. Wagner, of San Marino, California. We were very glad to see them and hope that many of our other out of town members will visit the Society's rooms when they come to San Francisco.

Following the example of the American Association for State and Local History in its *Bulletin* for January 1942 (Vol. I, No. 2), we close with the following quotation:

> "No man is fit to be entrusted with the control of the PRESENT who is ignorant of the PAST, and no people who are indifferent to their PAST need hope to make their FUTURE great."



OLIVE OATMAN

From R. B. Stratton, *Captivity of the Oatman Girls* (San Francisco, 1857). Reproduced with the permission of the Henry E. Huntington Library.

The Captivity of Olive Oatman

A Newspaper Account

By William B. Rice

FEVERISH was the California press in 1856. The murder of James King of William, the erection of Fort Gunnybags, the Central American imbroglio of William Walker, and the antics of the political parties upset newspaper equilibrium all over the state. These episodes of violence, filibustering, and political disturbance monopolized many columns, but a calmer, almost sentimental event competed strongly for journalistic attention and popular interest. This was the rescue of Olive Oatman, the celebrated Indian captive. After Olive's deliverance from the Mohaves in February 1856, the story of her trials was recounted all over California in the letters of correspondents and in articles which appeared in many newspapers through a cumbersome system of exchange. Since much of the affair took place in southern California, it was natural that the Los Angeles *Star*, the first newspaper in that section, should report the rescue more completely than other journals. On April 19, two months after Olive had walked down the Colorado to the Yuma ferry, the *Star* printed an original interview with her that was widely copied by California newspapers. It was then an instance of enterprising newsgathering; in its present form it is an interesting historical document, presented here as an important addition to the literature of Indian captivities and the story of the overland migration.

Royce (Roys, or Royse) Oatman, his wife, and his seven children were members of a caravan of Brewsterites (a Mormon sect) which left Independence, Missouri, in August 1850, bound for the Yuma region, where they planned to found a colony. They traveled the Santa Fé Trail (but missed Santa Fé) and the Rio Grande-Gila route. Eighty miles above the mouth of the latter river, Apaches fell upon the family, then separated from their wagon train. The Indians took captive Mary Ann and Olive, seven and thirteen respectively, left fifteen-year-old Lorenzo for dead, and killed the others. Thus the two sisters started their captivity, which was to last five years for Olive and a shorter time for Mary Ann, who died while in the hands of the Indians. Lorenzo meanwhile came to California with another caravan, and eventually settled with friends near Los Angeles.

During the last months of 1855 rumors drifted into California that the two Oatman girls were living among the Mohaves of the Colorado River region and that they had married Mohave chiefs. An inaccurate informant wrote Lorenzo Oatman that these Indians had offered to sell a white captive to the commanding officer at Fort Yuma. Lorenzo thereupon began to enlist volunteers for an expedition to rescue his sisters[1] and undertook other measures for their relief. He and "numerous" residents of Los Angeles County petitioned Governor J. Neely Johnson for assistance; and when this appeal was refused,[2] he turned to the United States Congress.[3] The interest of the editor of the Los Angeles *Star* was secured, and through the pages of that newspaper publicity was given to the search.[4]

On March 8, 1856, the *Star* reported that Olive Oatman had appeared two weeks before at Fort Yuma, and it printed a letter from the commanding officer there, describing the rescue. The facts were these, the officer wrote:

> On the 28th January last, Mr. Henry Grinnell, an employee in the Quartermaster's Department at this Post, who understands the Yuma language, informed me that "Francisco," a Yuma Indian, living in this vicinity, came to him and stated that a white woman was living among the "Mohave Nation of Indians," about ten days travel from this Post, and that under certain conditions, and for certain considerations, he would go for her and bring her to Fort Yuma. I immediately directed him to go for her.
>
> He has now complied with his promise, by bringing her to Fort Yuma, this 22d day of February, 1856. She is now taken care of here.[5]

This news arrived in San Francisco by March 11; on that day the *Daily Herald* printed a long letter about the rescue. The correspondent called Olive "a young and beautiful American girl" who had survived a horrible ordeal. "I hope," he wrote, "that some of our philanthropic San Francisco ladies will offer their services to either provide a home for her, or use their influence in procuring her admission to the Orphan Asylum."[6]

There were others who wished to aid Olive Oatman. A San Diego family offered her a home, where care and instruction, it was remarked, would enable her "to resume that position in society which five years of savage bondage has deprived her."[7] The state legislature did its share. Jefferson Hunt, the Mormon assemblyman from San Bernardino, introduced a bill to appropriate $1,500 for "Young Mrs. Oatman." Hunt, it seems, had himself meditated her rescue. Other assemblymen wished to take up a subscription for Olive and thus avoid a precedent; but after the speaker clinched the argument with the assertion, "the State would forget its dignity by refusing to make this appropriation," the bill passed easily.[8] In the upper house several objectors also tried to amend the appropriation, but they were overruled. Public opinion evidently approved: the San Francisco *Golden Era* thought the bill "gallant and opportune." It was almost enough, that journal remarked, to balance the legislature's official sins.[9] It is doubtful, however, whether Olive received the money.[10]

While the legislature was remembering the state's dignity, the Los Angeles *Star* was informing its readers of developments in the Oatman case. On March 29 it reproduced a letter from a correspondent at Fort Yuma, describing Olive and hazarding a reason for her release. "Miss Oatman," the writer stated, "is rather a pretty girl, fifteen or sixteen years old. She is fast recovering her English, reads readily, and sews like a mantua-maker. . . . The death of her sister made this girl more of a burden than anything else to the Indians. She was constantly weeping, so they allowed the fact of her being still with them to transpire through a Yuma Indian." Two weeks later the *Star* reported that Olive had arrived at the Monte. "She has not been made a wife," it denied the earlier rumor, ". . . and her defenceless situation entirely respected during her residence among the Indians." The paper was proud of her "lady-like deportment," her "pleasing manners," and her "amiable disposition." She was, it declared, more delicate and courteous than those who rushed to gawk at her.

In June of the same year, Harrison B. Oatman, a cousin of Olive and Lorenzo living in the Rogue River Valley, Oregon Territory, came to southern California to assume the guardianship of his young relatives and escort them to Oregon.[11] Some acrimonious correspondence arose as a result of this. Ira Thompson, an emigrant companion of the Oatmans in 1851 and the owner of the Monte home where Olive and Lorenzo had lived in April and May 1856, resented being deprived of the orphans. Where had H. B. Oatman been in 1853, 1854, and 1855? he wrote the *Star*. And what had prevented him from caring for Lorenzo during those years? What had caused this sudden tender sympathy? Thompson asked.[12]

Olive and her two relatives passed through San Francisco and Sacramento on their trip north to Oregon. Several newspapers of the first city were aware of this and mentioned it.[13] The San Francisco *Bulletin*, in particular, emphasized the event by printing an original interview taken, as was the *Star's*, "from her own lips." The *Bulletin* claimed that its account was more complete than any other;[14] it apparently had forgotten the longer *Star* interview, printed more than two months before.

The adventures of Olive Oatman appeared in book form less than a year after her departure from California. Royal B. Stratton, a Yreka clergyman, wrote them down while Olive and Lorenzo dictated, and a San Francisco printer released two editions in 1857. Revisions were later published in New York and Chicago; about thirty thousand copies were sold in two years. The reviewers were kind to Stratton's book, although one journal far from the wellsprings of California culture called it "nonsensical."[15] The San Francisco *Bulletin* noticed that the author did not claim any literary merit; "yet the subject matter," it said, "is interesting."[16] The *Daily Town Talk* and the *Daily Morning Call* approved: "We trust it may have a large sale," stated the first; "its contents are very interesting, though painful," judged the latter.[17] Stratton's *Captivity of the Oatman Girls* produced more profound reactions in several other papers, if the reviews affixed to the third edition (1858) are reliable. The Marysville *Herald* became sentimental over the book: "Who," it said, "unless the last spark of generous sentiment and tender emotion be extinct in their natures, can get through that little book without feeling their eyes moisten and their bosoms swell." The *Democratic State Journal* was angered. It declared: "The reader will rise from its perusal with a feeling prompting him to seize the musket and go at once and chastise those inhuman wretches among whom Olive has spent five years. The American people ought to go and give them a whipping." The tribute that most affected Stratton and the Oatmans must have been the verses of "Montbar," a California poet. After reading the first edition, Montbar wrote "Stanzas to Olive Oatman." The last of these is quoted here:

In captive chains whole races have been led,
But never yet upon one heart did fall
Misfortune's hand so heavy. Thy young head
Has born a nation's griefs, its woes and all
The serried sorrows which earth's histories call
The hand of God. Then Olive, bend thy knee,
Morning and night, until the funeral pall
Hides thy fair face to him who watches thee,
Whose power once made thee bond, whose power once set thee free.[18]

Some mention of Olive's later life is pertinent. After a sojourn in Oregon she and Lorenzo returned to California and spent six months in the Santa Clara Valley. Then in March 1858, she sailed from San Francisco for New York, accompanied by Stratton and his family.[19] In November 1865, she married John B. Fairchild, in Rochester, New York; and many years later, on March 20, 1903, she died in Sherman, Texas, thus refuting rumors and printed reports that she had died earlier in an insane asylum.[20]

The account of Olive Oatman's captivity printed by the Los Angeles *Star* on April 19, 1856, filled two front-page columns. It was probably the fullest printed story until the appearance of Stratton's book a year later. That contemporaries recognized it as a valuable interview is demonstrated by the number of times they reprinted it: the San Francisco *Alta California* copied it on April 23, 1856; the *Daily Herald* on the same day; the *California Chronicle* two days later; and the Sacramento *Daily Union* also on April 25, 1856. The interview follows:

OLIVE OATMAN, THE APACHE CAPTIVE

So much interest has been manifested in the story of the captivity of Olive Oatman, that we visited her a few days since, when she gave us an intelligible account of her adventures, which is here embodied. This account we obtained only by asking questions, as her timidity and want of confidence prevented her from giving the details unassisted. Her faculties have been somewhat impaired by her way of life, but her friends assured us that in the short time she has been among them she has made very perceptible improvement.

Olive has found good friends at the Monte, in the families of Mr. Ira

Thompson and Mr. David Lewis and is regarded and treated as a member of their families.

The Oatmans started from Iowa in company with the family of Mr. Thompson, with whom they travelled together as far as Tueson [*sic*],[21] in Sonora, where Mr. T. resolved to lay by to recruit his cattle and wait for other trains to come up, so as to insure the safety of the road by numbers. But the Oatmans pushed on, impatient to get through, and met their fate on the Gila, about two hundred miles[22] from the Colorado. While at Tueson the Thompsons had many opportunities of noticing the terror which the Apaches excited in the people. One evening a Spanish woman arrived in the village, saying she had just escaped from the Tonto Apaches,[23] where she had been a prisoner. She related that a day or two before, the band returned to camp from killing and plundering a party of Americans, and also bringing in prisoners. She was left alone with the threat that if she attempted to escape she would be killed. That night while they were dancing the war dance, she escaped and returned to Tueson. By comparing dates they were satisfied this was the band that attacked the Oatmans. Inquiries were made at the time, but nothing could be learned concerning the captives.

Olive is rather a pretty girl, with a skin as fair as most persons who have crossed the plains. Her face is disfigured by tatooed [*sic*] lines on the chin, running obliquely and perpendicularly from her mouth. Her arms were also marked in a similar manner by one straight line on each. The operation consisted in puncturing the skin and rubbing a dye or pulverized charcoal into the wounds.[24]

It was about sunset when the attack was made, which resulted in the capture of herself and her little sister, Mary Ann. Olive was thirteen, and Mary Ann seven years of age. The Indians stripped her of her shoes and nearly all her clothing—her sister had no shoes on at the time—and they started off with the speed of horses in a northerly direction into a mountainous region. They travelled all night without resting. At noon next day they stopped a few minutes to breathe and then hurried on again until night-fall, when they came into camp. She thinks they travelled a hundred miles.[25] She was barefoot, and the sharp stones lacerated her feet, and her blood sprinkled the whole distance. Whenever she lagged, they would come behind and beat her, to urge her on. Her sister soon gave out, but being small, the Indians carried her in her [*sic*] arms. The reason of their hurrying on so rapidly, was fear lest they might be pursued.

The clothes left to her were worn out, and fell from her back in two weeks, and then she matted together the bark of trees and tied it around her person like the Indians. It was a slight covering, but it did not leave her entirely exposed.

Among these Apaches Olive supposes they remained one year. At any rate, the same kind of season returned as that when she arrived. Time among the Indians is not noted. If they note it at all, it is only by moons. The country was mountainous, and barren of grass or timber. The Indians live in the small vallies. The girls were treated cruelly by these Indians. They were overtasked, and when they could not understand what was said to them, they were beaten. There was no timber nor running stream. The only fuel to be had was scattered sage bushes, and when it rained the water would collect in the holes of the rocks, and these two little girls were compelled to pack all the wood and water from long distances upon their backs. They felt themselves to be slaves. The Indians told them they should never see their friends again, and concealed them as much as possible. There was no snow, but they suffered from cold in the winter.

The Mohaves[26] and Apaches were friends and sometimes visited each other. It was during one of these visits that the Mohaves learned of the captives and offered to purchase them.[27] The Apaches consented and received in exchange a few pounds of beads, two horses, and two blankets.—They were ten days travelling, "like horses" as she describes it, to the Mohave villages, barefoot and over a rough mountainous country, each day stopping a short time at noon to rest. She thinks they travelled 350 miles in a northwest direction.[28] On this journey they eat nothing until the fourth day, when they received a piece of meat about as large as her hand, and this kept them alive. There were no roots nor berries, and they dared not ask the Indians for food. The Indians would kill such game as came in their way, but they did not offer it to their captives. She describes them as being too lazy to exert themselves to procure food, and only killing such game as chance brought to them. Her days had thus far been dark, and she was almost ready to despair. Not an act of kindness, nor a word of sympathy or hope had been addressed to her by her captors, who treated her and her sister as slaves.

Arrived among the Mohaves, the Chief, whom she calls *Espanesay*,[29] took them into his own family, and they were treated in every respect as his own children. Two blankets were given to them for covering; food was divided with them, they were not obliged to labor, but did pretty much as they pleased. Lands were allotted to them, and they were furnished with seeds, and raised their own corn, melons and beans as the Indians did.

There is little or no rain at the Colorado, and the Mohaves depend upon the overflow of the river for the irrigation necessary to germinate and ripen their harvests. Sometimes there is no overflow of the river, and much suffering follows. The Indians are too indolent to plant more than will suffice for their actual necessities. Three years ago there was no overflow, and a famine was the consequence, in which many perished. It was in this famine that Olive suffered her greatest grief. Her little sister, Mary Ann, had endured all her captivity with her. They supposed that they were alone of their family; they had suffered together the cruelties of the savages; but they had not been separated. They could sympathise and cheer each other in their dreariness, and sometimes they would whisper together a faint hope of future redemption. But now came the trial. The child wasted away by degrees—she knew that she was to die, and talked calmly of death to Olive. She had no disease, but there was no food—and she wasted miserably in the famine that desolated the tribe. Olive herself was near perishing, but the strength of her constitution saved her life. She speaks of the Chief's wife in terms of warmest gratitude. A mother could not have expressed more kind hearted sympathy than did this good woman whose gentle treatment saved her life. This woman had laid up seed corn to plant, and which even the dying groans of her own people could not make her bring out. When she saw Olive's distress, she ground this corn between stones, made a gruel and fed it to her, not reserving any even to herself.

The Mohaves always told her she could go to the white settlements when she pleased,[30] but they dared not go with her, fearing they might be punished for having kept a white woman so long among them, nor did they dare to let it be known that she was among them. She could not go alone, for she did not know the way, and she despaired of ever again seeing her friends. Hope almost died within her. For three long years she mourned her captivity—though well treated she was restrained, for she knew not how to extricate herself. What were her sensations, during all this time, must be imagined; for she is not, as yet, able to express her thoughts in language.

Before the arrival of the Indian messenger charged to release her, she heard of his departure from the Fort, by an Indian runner. Her joy was very great, but she forced herself to appear indifferent, lest the Indians should still restrain her. She had little confidence in their sincerity, when they gave her permission to leave them, because they refused to go with her, and they knew she could not go alone.

At length, Francisco, the Yuma, arrived with the requisition from Col. Burke for her delivery. The packet was examined by the Indians, but no one understood it. It was put into her hands to explain. It was written in a bold, round hand, the letters being a third of an inch long. It was the first word of English she had seen for five long, weary years, and she could not restrain her emotion. The cold chill of Indian reserve seemed to melt away, and she saw before her mind the old home scenes; and happy voices seemed to welcome her return. She readily deciphered the meaning of that rescript, and communicated it to the assembled Indians. Accompanying it were six pounds of white beads, four blankets, and some other trinkets, to be given in exchange. These were accepted, and the Chief told her she was at liberty to depart for her friends. Many of the Indians, however, objected to her going,[31] fearing they would be punished as her captors. The Chief's wife, the kind woman who saved her life in the famine, cried a day and a night as if she were losing her own child, and then gave her up.[32] With the guide she started for the Fort with a light heart, on foot, as usual. She was ten days on the road, travelling with greater speed than ever before. This time the days were short to her, and so great was her mental excitement, that she knew neither weariness nor hunger. The trail was tortuous and rough, leading through mountains and gorges, and several times she was compelled to swim the Colorado.[33] This time, too, her feet were protected from the sharp stones by sandals, such as are worn by the Indians.

During all her captivity she does not remember to have seen a wild flower, or shrub. If there were any, her mind was so absorbed with her own misery, that she did not observe them. Among the Mohaves there is no food except what is raised—that is, corn, wheat, melons and beans. A few fish are caught from the river; a small bulb, resembling a brodeia, is taken from the ground, which is boiled or roasted. This bulb is almost tasteless, and is found in such small quantities that a whole day is required to gather enough for a meal. There are no berries nor fruit trees of any kind.

The Yumas and Mohaves are friends. Their manners, customs and dress are the same, and their lodges are built upon the same plan. Their language, also, is similar—they easily understand each other. The two tribes last year made war upon the Cocupas,[34] and took several prisoners.—When they arrived at their villages the prisoners were killed, and the dead bodies suspended on a crucifix, while the whole tribe danced round the pole, singing and throwing arrows into the bodies.[35]

She converses with propriety, but as one acting under strong constraint; and she has not forgotten the instructions of her childhood. She reads well, writes a fair hand, and sews admirably; though in her captivity she saw no implement nor instrument of civilization. She is very ambitious to learn, and spends most of her time in study.

NOTES

1. Los Angeles *Star*, January 5, 1856; reprinted in San Francisco *Alta California*, January 11, 1856, and in San Francisco *California Chronicle*, of the same date.

2. Royal B. Stratton, *Captivity of the Oatman Girls . . .* (1st ed., San Francisco, 1857; reprinted in San Francisco by the Grabhorn Press in 1935, with an introduction by Lindley Bynum), p. 182. For convenience' sake the 1935 edition is cited.

3. 34th Cong., 3d sess., H. Report 55.

4. Stratton, *op. cit.*, p. 181.

5. See also 34th Cong., 1st sess., S. Exec. Doc. 66, pp. 67-68. The commanding officer at Fort Yuma was Brevet Lieutenant-Colonel Martin Burke. Brevet Lieutenant-Colonel George Nauman also reported the case to the military authorities. Cf. San Francisco *Herald*, April 7, 1856.

6. This letter was reprinted the next day in the San Francisco *Evening Bulletin*. See also a San Francisco *Daily Herald* letter from Yuma, April 7, 1856.

7. The offer was quoted in *Alta California*, March 24, 1856. See also *California Chronicle*, March 24, 1856.

8. Proceedings of the Assembly, quoted in Benjamin Ignatius Hayes, Scrapbooks (newspaper clippings, in Bancroft Library, University of California, Berkeley), XLIV, 80. See also *Journal of the Seventh Session of the Assembly of the State of California . . .*

(Sacramento, 1856), pp. 518, 578, 583; *Journal of the Seventh Session of the Senate of the State of California* . . . (Sacramento, 1856), pp. 656, 731-32.

9. Quoted in Los Angeles *Star*, April 5, 1856.

10. On June 21, 1856, the *Star* remarked that the governor had vetoed the appropriation; this contradicted an earlier statement (*ibid.*, May 3, 1856).

11. *Ibid.*, June 21, 1856; see also Sacramento *Daily Union*, June 27, 1856.

12. Los Angeles *Star*, June 28, 1856.

13. E.g., San Francisco *Daily Town Talk*, June 24, 1856; *California Chronicle*, June 23, 1856.

14. *Daily Evening Bulletin*, June 24, 1856.

15. Memphis *Bulletin*, n. d., quoted in Hayes, *op. cit.*, XLIX, 81.

16. *Daily Evening Bulletin*, April 3, 1857.

17. *Daily Town Talk*, April 3, 1857; San Francisco *Daily Morning Call*, April 11, 1857.

18. This poem is reprinted in the second and third editions of Stratton's *Captivity of the Oatman Girls*. The Oatman story has been told in many places, besides the newspaper accounts noted and the editions of Stratton's work enumerated Some of these places are John Russell Bartlett, *Personal Narrative of Explorations and Incidents in Texas, New Mexico, California . . . Connected with the United States and Mexican Boundary Commission* . . . (2 v., New York, 1854), II, 203, 218, 257-58; John Ross Browne, "A Tour through Arizona," *Harper's Monthly*, XXIX (November 1864), 696-701; Kate Heath, "A Child's Journey through Arizona and New Mexico," *Californian*, III (January 1881), 14-18; Jacob Piatt Dunn, *Massacres of the Mountains; a History of the Indian Wars of the Far West* (New York, 1886), pp. 151-58; Winfield J. Davis [summary of Stratton's book], Sacramento *Record-Union*, September 2, 1901; Sharlot M. Hall, "Olive A. Oatman—Her Captivity With the Apaches and Her Later Life," *Out West*, XXIX (August 1908), 216-27; and an abridged version of Stratton's book (Salem, Oregon, 1909).

19. Stratton, *op. cit.* (3d edition), p. 278.

20. Hall, *op. cit.*, p. 227, gives the true facts of Olive's death. Her statements are corroborated in the Sherman (Texas) *Daily Register*, March 21, 1903.

21. Tucson in 1856 had about five hundred inhabitants, mostly Mexicans, but also including about thirty American storekeepers and hunters. It was said in 1856 that the inhabitants would "hardly dare to venture a mile out of town" for fear of the Apaches. Los Angeles *Star*, August 2, 23, 1856. A picture and description of the town are contained in Bartlett, *op. cit.*, II, 292, 295.

22. The massacre took place about eighty miles above the mouth of the Gila. *Daily Evening Bulletin*, June 24, 1856.

23. The name "Tonto" was indiscriminately applied by writers to almost all the Indians roaming between the White Mountains of Arizona and the Colorado River. The term is practically "meaningless." Frederick Webb Hodge, ed., *Handbook of the American Indians North of Mexico* (Washington, 1907-10), Part 2, pp. 783-84.

24. Mohave tattooing was applied to both sexes and was notable for the absence of a standard style. For a discussion and description of it see Alfred Louis Kroeber, *Handbook of the Indians of California*, Smithsonian Institution, Bureau of American Ethnology Bulletin 78 (Washington, 1925), pp. 521, 729. Some early observers believed that vertical blue lines tattooed on a girl's chin were a sign of marriage. "The Tribes of the Thirty-fifth Parallel," *Harper's New Monthly Magazine*, XVII (September 1858), pp. 448-67.

25. This is elsewhere noted as a journey of 250 miles in 80 hours. Stratton, *op. cit.* (1935 ed.), p. 95.

26. The Mohaves lived mainly on the Colorado between the Needles and Black Canyon. They were the most populous of the Yuman tribes but had no large settlements.

Their houses were four-sided with low walls and flat brush roofs; they made pottery and imported baskets from other Indian groups. Hodge, *op. cit.*, Part 1, pp. 919-21; Kroeber, *op. cit.*, pp. 729-53. The latter is the fullest account of these Indians. Kroeber notes their attitude toward captives: "A constant object of Mohave war parties was the capture of girls or young women." Usually these were neither married nor abused but were given seed and soil to raise their own food. *Ibid.*, pp. 752-53. Some other descriptions of the Mohaves are: Hayes, Scrapbooks, XLIX, 109; A. L. Kroeber, *Cultural and Natural Areas of Native North America* (Berkeley: University of California Press, 1939), pp. 42-43; and *Reports of Exploration and Surveys to Ascertain the Most Practicable and Economical Route for a Railroad from the Mississippi River to the Pacific Ocean* (12 v., Washington, 1856-60), III, Part 1, pp. 112-19, *et passim.*

27. Olive thought that they were to be exchanged for vegetables, "more useful for immediate consumption, than their captives." Stratton, *op. cit.* (1935 ed.), p. 106.

28. The two girls were taken from the Apache country north of the headwaters of the Gila to the Mohave villages, several hundred miles above Yuma on the Colorado River.

29. The chief was called "Aespaniola" in Stratton, *op. cit.*, p. 171.

30. The opposite impression was given by Stratton, who purportedly quoted Olive: "Though we persisted in denying any purpose to effect our escape, many of them seemed to disbelieve us; and would warn us against any such undertaking, by assuring us they would follow us if it were necessary quite to the white settlements, and would torment us in the most painful manner, if we were ever to be recaptured." Stratton, *op. cit.*, p. 133.

31. The Indians came off less well in *ibid.*, pp. 171-73.

32. According to *ibid.*, p. 187, even the wife of the chief was "compelled . . . to disguise her real feelings."

33. On the journey to Fort Yuma, Olive and Francisco, her Indian rescuer, "at one time made a raft of tules, and for several hours floated down the river," but were compelled by an adverse wind to continue by land. Los Angeles *Star*, April 12, 1856.

34. The Cocopas were a division of the Yuman family, inhabiting the region between the Gila and the Gulf and existing with approximately the same conditions and habits as the Mohaves. Hodge, *op. cit.*, Part 1, pp. 319-20; Bartlett, *op. cit.*, II, 179-80.

35. This may be the basis of the "Nowereha" episode in Stratton, *op. cit.*, pp. 161-66, wherein a "beautiful" Cocopa woman was captured and tortured. The story of another raid on the Cocopas is told by a Mohave informant in Kroeber, *Handbook*, pp. 745-47.

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Some Oatman Documents

With an Introduction and Notes by

ALICE BAY MALONEY

INTRODUCTION

IN THE Bancroft Library of the University of California there is a small collection of original contemporary documents relating to the massacre on the Yuma trail, on February 18, 1851, of several members of the Roys Oatman family,[1] the escape of the fifteen-year-old son, Lorenzo, and the captivity of two of the daughters, Olive and Mary Ann. Of the numerous writers who have written on the subject, none, so far as I have been able to find, has made use of the documents which follow. Immediately after the incident there was a newspaper controversy over the alleged failure of the military officer, Major S. P. Heintzelman,[2] in command of Fort Yuma, to pursue and punish the Indians involved, and it was through the efforts of Hubert Howe Bancroft to clear up this argument that the documents found their way into his collection.

Bancroft, in 1877, wrote to Camp Grant, Arizona Territory, asking for information. Captain G. C. Smith responded, on February 18, 1877:

> Yours of the 1st inst came duly to hand. I have the honor to enclose some other papers which may possibly be of service to you viz:
> 1. Autograph letter of Royes [sic] Oatman
> 2. Autograph letter of F. A. Rondstadt in regard to Oatmans
> 3. Evidence of Mr. Oatman's son Lorenzo in regard to killing of Oatman family.

Also included but not listed by Captain Smith was a page or so from a handwritten report of Major Heintzelman relating the facts of the massacre as they came to him in March, five weeks after the massacre.

The papers bear marks of the vicissitudes through which they passed. In many places they are mutilated and in others are illegible. The statements have a curious way of changing from first to third person, and the composition at times bears witness to the emotional excitement under which the writers were laboring. The letters convey a living sense of crisis and tragedy.

Roys Oatman's letter to Major Heintzelman was brought to Fort Yuma by a Dr. John Le Conte,[3] who later, abetted by a Dr. Hewitt who had brought Lorenzo to San Francisco,[4] made public criticisms in California newspapers alleging that Major Heintzelman was derelict in that he did not pursue and punish the Indians responsible for the murder and pillage. Bancroft, after reviewing all the information he could obtain, rather agreed with the criticism and felt that the excuses set forth by Major Heintzelman were insufficient.[5] A lapse of ninety-one years makes a correct position a difficult point at which to arrive, but a survey of all the facts seems to bolster the correctness of Major Heintzelman's conduct.

Answering the newspaper stories, Major Heintzelman wrote a letter to the San Francisco *Alta California* which was published on July 24, 1851. In it he said that Dr. Hewitt and Dr. "Lecount" were disgruntled because he had refused a military escort for their prospecting expedition, and continued:

> Two days *before* I received the communication from Oatman, he and his family were murdered. In the next place the robbery and murder were committed on Mexican territory and by Mexican Indians. I had not the men nor the means to send a sufficient party so far on a hostile expedition; and if I had had ten thousand men I have no authority to send an armed soldier into Mexican territory to chastise Mexican Indians for any outrages they may commit, even on our citizens.

It is interesting to note that after the Gadsden Purchase this same region was successfully policed by United States forces.

John R. Bartlett, who visited the scene of the tragedy more than a year later, was told by a soldier from Fort Yuma that "The Major immediately despatched a party of soldiers with provisions for those still behind, and with orders to scour the country, and endeavor, if possible, to recover the missing girls. But they saw no Indians, nor has it yet been ascertained by what tribe the outrage was committed."[6]

Major Heintzelman also, in his report from Fort Yuma, July 15, 1853, to the assistant adjutant general, U.S.A., Pacific Division, stated that:

> In the month of February, 1851, an emigrant family was murdered on this emigrant route, about eighty miles from here. I got a letter from the man asking aid, and sent a small party to meet him; they reached the place after he was murdered. Some of his friends who had endeavored to detain him at the Pimos till they were ready, had been down and buried the bodies. They found all of the family, but a boy who had escaped back and two girls, one a child. The deed was most unjustly laid to the Cu-cha-nos. They never venture so far up the Gila.
>
> I have made diligent enquiries of all the Indians I have seen, and can get no trace of the missing girls, or that they have any knowledge of the transaction. The man had made an incautious display of a quantity of Indian goods, and was followed by some Maricopas. I don't think it is necessary to go further to look for the murderers.[7]

J. Ross Browne, who related the story of the Oatman tragedy in 1871 after traveling through the region, said that "The only person who took any interest in the matter was Mr. Henry Grinnell, a private citizen, who from 1853 up to the date of rescue never ceased to exert his energies to that end.... Through the services of Francisco, a Yuma Indian, the purchase of Olive from the Mojaves was effected by Mr. Grinnell, in February, 1856."[8]

F. A. Rondstadt, whose letter follows, made the first report of Olive's presence near the Colorado, but his name is not mentioned in the many stories concerning her ransom and return to civilization, nor has any information about him come to light.

DOCUMENTS SENT TO BANCROFT BY CAPTAIN SMITH

Letter of Roys Oatman

February 15th 1851 at camp on the Hela river

To the honorable commandant of Fort Yumas
Brevett Major S. P. Heintzelman

Honorable sir I am under the necessity of calling upon you for assistance. there is my self, wife & seven children and without help sir I am confident we must perrish I can * * * *[9] ly give a * * * * we have not but * * * * [pro]visions sir I wish you to send for * * * * with Harness for two I have gear for one * * * * will meet your men as near your camp [as pos]sible I am now sir about 1.40 miles from your [c]amp. I have been Robed of my animals. So that I have not sufficient in their Present condition to take me through. I send this by Dr Jno Lecont in haste.

Yours with Due respect
Roys Oatman
Br[eve]tt Major Heintzelman

Excerpt from a Report of Major Heintzelman

March 27, 1851

I saw some American emigrants today from the Pima village. They tell me that Oatman's family was murded [*sic*] it is supposed by the Miracopos. He had goods in his wagon & it is supposed the indians dogged him till a favorable opportunity. The indians numbering some 15 met them and had a friendly smoke—one looked in the wagon and spoke to the chief when they with clubs knocked them on the head. The boy was only stunned and when the indians left got up & crawled into the bushes & lay there all night. The next day & night & the day after he travelled & met some Americans on the way down, when they returned to the Maricopa villages & a party went out & buried the dead. The wolves had been at the bodies & they could make out all, but the second girl & a small one of 2 or 3 three years of age. It is supposed the indians took these away with them. The boy says this occurd on the 18 Febr or the day after Dr Le Conte left them.

Oatman was of an obstinate & contrary disposition & would take advice from no one. He was warned of the imprudence of his going alone.

S. P. H.

The party going to bury the dead met a Maricopa indian with a bag containing childrens & other clothing & took it from him much to the displeasure of some of the Maricopas with the Americans.

S. P. H.

Statement of the Sonoranian Juan, Made February 22, 1851

Some indians robbed Dr Le Conte & Juan on Sunday morning last about 40 leagues from here of their two horses. In the night time they had their horses tied near them & were awake most of the night as it was coming light they took the ropes off their necks & hobbled & went to sleep & whilst asleep the horses were stolen.

They saw some Yumas the day before, that he knew by their language, & supposed from that they stole his horses and after the robbery they followed the track of the horses with those of the indians till they crossed the Gila. When they met them they were not friendly & wished them to alight & kill the horses & they followed them. They were armed with bows & arrows & were four in number & were on foot. He thinks he would know them if he saw them again.

Lorenzo D. Oatman's and Others' Statements in Relation to the Murder and Robbery on the Mexican Side of the Gila in February 1851

About 70 miles this Pimos & Maricopa villages How many Indians—17

The wagon was on the hill & all the things brought up & were packing the things in the wagon when I looked up & 17 Yumas indians came up the hill

They came up & father motioned for them to sid down & they sit down. They wanted tobacco to smoke to be friendly. They smoked. They said there were 2 horses down in the brush. Then they wanted Pinole. One got into the wagon & pulled the things around Then he came out & talked to the rest, then in a few minutes they wanted meat—they then began to steal things & put them under them. Then we took things away from them then we put things in the wagon as fast as we could. They sat still a few minutes talking together & the capt hollered out & give the shout & they fell to murdering—one struck me & I fall senseless for a few minutes then I came too & heard the children scream & I lay still knowing it useless to move & finally two of them came and took me by the hands & knuckled [?] me. then they took me by the legs & dragged me about a rod & laid me down & went back to the wagon I then got on my hands & knees & crept & rolled till I got to the foot of the hill & crept in some bushes & laid & slept till morning. Then I got up & went part way up the hill. I was afraid the indians would see, went back down the hill & went for 10 miles till I met 2 Maricopos indians. They give me one of their buiscuits so hard you could not eat it, your head was so sore. I went on till night & all night & next afternoon—almost night I met the wagons. All went back to the Maricopos villages & two came back & buried the bodies. It was the 17 Feb. It was towards evening of the 3rd day after Dr LeConte came to us. The sun was about ½ an hour high when the indians came to us.

I think they were Yumas because they said so. We had clothing for the family & bed clothes. We had some golden mixed cloth—we had calico. I told the two Maricopos indians what had happened & they went to the wagon & brought some things from there we took from them. The indians were heavy stout men—

They had no fire arms but bows & arrows & we saw some mallets when we came by afterwards

We sold our cotton cloth to the Pimos & Maricopos when we were there

Willard Wilder
Hasen [?] Wilder
Robt. Kelly
Niva Kelly

Willard Wilder & Robt. Kelly went & buried the bodies. They are here with the wagons.

We had a heavy load in our wagon. We were coming to this place to stop & settle. The boy will be 15 next July. We had been 8 days on the road from the Pimos There were 7 children only one older than the boy.

Two of the girls were taken off one nearly 13 & the other 8 years old The two Maricopos knew the whole family & sure these two were taken away by the indians.

Letter of F. A. Rondstadt

Colorado, the 22th of April 1855

Dear Sir,

By request of Captain Garcia I take the liberty to address these few lines to you

By information given by the Mexican soldier it seems that the Gentleman kild by the Mohave indians in 1852 on the Gila was a Mr. Oatman and that the two Girls are still in there possession

Last evening wen I got home I was told [?] that a Mohave indian by the name of Francisco was at my place yesterday wen I was at Fort Yuma, and he is now at a visit on the opposite bank of the river, if he is sought for and obtained I believe you would acquire true information by this Mohave indian about the unhappy captives

I remain Sir

Respectfully as your most
Obd^{t} Serv
Federico A [Rondstadt]

Major George Thomas Esq
Commanding Fort Yuma

NOTES

1. Miscellaneous Historical Papers, California MS E64, pp. 18-22.

2. Samuel Peter Heintzelman entered the U. S. Military Academy from Pennsylvania in 1822 and was graduated and commissioned a second lieutenant in the Third Infantry Regiment in July 1826. He had a long and honorable career, reaching the rank of major general in 1869. He died on May 1, 1880. Francis Bernard Heitman, *Historical Register and Dictionary of the U. S. Army* (Washington, 1903), p. 521.

3. John Ross Browne, *Adventures in the Apache Country* (New York, 1869), p. 87. "A Dr. LeCount, who had extensively explored the Pacific coast." This was undoubtedly John Lawrence Le Conte (1825-1883), a cousin of the John and Joseph Le Conte who were later to become professors at the University of California. Dr. Le Conte, a distinguished entomologist and graduate of the College of Physicians and Surgeons in New York, during the years 1848-51 made several journeys to Lake Superior, the Rocky Mountains, and California, to increase his knowledge of American fauna. Although he never practiced medicine for a livelihood he served as a surgeon of volunteers during the Civil War. He was one of the incorporators of the National Academy of Sciences, president of the American Association for the Advancement of Science in 1874, vice-president of the American Philosophical Society from 1880 to 1883, and contributed articles to many scientific publications. *Dictionary of American Biography* (New York: Charles Scribner's Sons, 1928-37), XI, 89-90; *National Cyclopaedia of American Biography* (New York, 1892-), XI, 106; *The Twentieth Century Biographical Dictionary of Notable Americans* (Boston, 1904), VI. A "Report upon Insects Collected on the Survey," by John T. (*sic*) Le Conte, M.D., was included in *Reports of Explorations and Surveys, to Ascertain the Most Practicable and Economical Route for a Railroad from the Mississippi River to the Pacific Ocean* (Washington, 1860), XII, Book II, Part III, pp. 1-72.

4. This was probably the Henry S. Hewit, "M.D. and surgeon, office 1 Armory Hall," listed in Le Count & Strong's *San Francisco City Directory for the Year 1854.* Lorenzo Oatman says that he "kindly extended his guardianship and unabating kindness, when the force was moved to San Diego, and then he took me to San Francisco, at a time when, but for his counsel, and his affectionate oversight, I might have been turned out to wreck upon the cold world. Here we found that Doctor Lecount had done all in his power to get up and hasten a party of men to our relief; but he was prevented by the commander, a Mr. Heinsalman, who was guilty of an unexplainable, if not an inexcusable delay—a delay that was an affliction to the Doctor, and a calamity to us. He seemed deaf to every appeal for us in our distressed condition. His conduct, if we had been a pack of hungry wolves, could not have exhibited more total recklessness. The fact of our condition reached the Fort at almost as early an hour as it would if the animals of the Doctor had been retained, and there were a number of humane men at the Fort who volunteered to rush to our relief; but no permission could be obtained from the commander . . . After several days, he reluctantly sent out two men . . ." R. B. Stratton, *Life Among the Indians or: The Captivity of the Oatman Girls among the Apache & Mohave Indians* (San Francisco: Grabhorn Press, 1935), pp. 77-79.

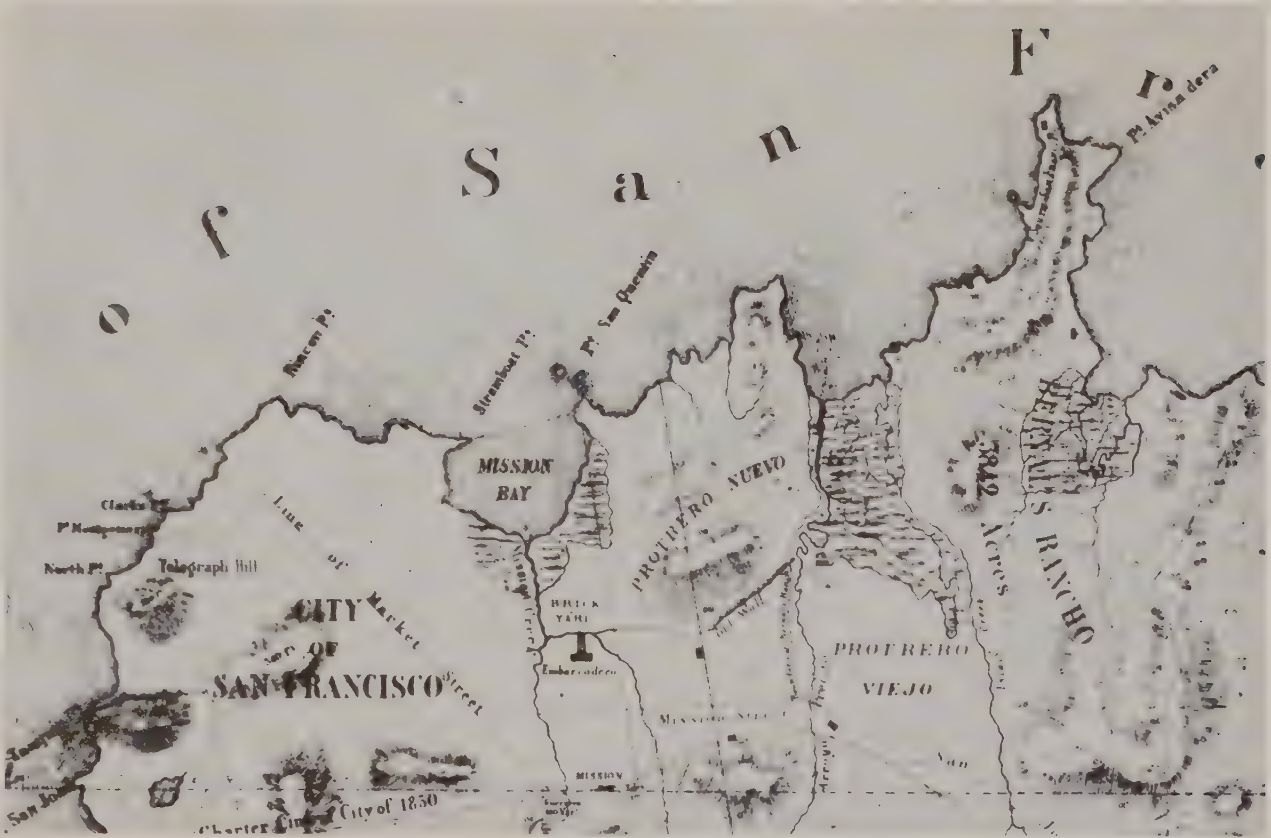
5. Hubert Howe Bancroft, *History of Arizona and New Mexico* (San Francisco, 1889), p. 485.

6. John Russell Bartlett, *Personal Narrative of Explorations and Incidents in Texas, New Mexico, California . . .* (New York, 1854), II, 203-4.

7. 34th Cong., 3d sess., H. Ex. Doc. 76 (1857), p. 45.

8. Browne, *op. cit.*, pp. 97-98.

9. Asterisks have been inserted to indicate a hole in the paper.


o f S a n F r
Pt. Avisa dera
Pt. San Quentin
Steamboat Pt.
Rincon Pt.
MISSION BAY
Clarks Pt.
Pt. Montgomery
North Pt.
Telegraph Hill
Line of Market Street
CITY OF SAN FRANCISCO
City of 1850
Charter Line
San Jo
Mission Creek
BRICK YARD
Embarcadero
MISSION
PROTRERO NUEVO
PROTRERO VIEJO
3842 Acres
BERNAL'S RANCHO

From a Map of the Northern Portion of San Francisco County
Compiled from Surveys, June 1st 1852, by
Clement Humphreys, January 1853

A dotted line has been added to show the location of Mission Bay Bridge.

Vanished Waters of Southeastern San Francisco

Notes on Mission Bay and the Marshes and Creeks of the Potreros and the Bernal Rancho

By William Crittenden Sharpsteen

THERE were once in southeastern San Francisco bodies of water that have as completely disappeared as has mythical Atlantis and are legendary to the great majority of living San Franciscans. Unlike Atlantis, submerged in water by a cataclysm of nature, these waters have been smothered in earth debris deposited in them by the hand of man. Who of the present, or of the preceding generation, has heard of Mission Bay, Mission Creek, Precita Creek, or Islais Creek (see Appendix A)—except the channel of that name which is an artificial creation and is no part of what was once called Islais Creek? Who of an older generation knows that Islais Creek was a fresh-water stream that emptied into what was originally known as Du Vrees Creek, an estuary of San Francisco Bay? What history there is of these waters and of contiguous lands is to be found only in the statutes and decisions of the courts. The material for this article has been gathered from these sources.

MISSION BAY

This body of water was really a part of San Francisco Bay forming a cove in the shape of a half-moon. A line drawn from Steamboat Point, which was at the intersection of Third and Berry Streets, to the most easterly horn of Point San Quentin near the eastern end of Sixteenth Street marked the easterly boundary of the bay. Roughly, the waters of the bay at ordinary high tide were bounded by Townsend Street on the north, Eighth Street on the west and Sixteenth Street on the south.

Marshes, with intersecting sloughs, penetrated as far north as Mission Street between Seventh and Eighth Streets, and Folsom Street between Fourth and Eighth Streets. The penetration west and south was not so great but extended to the foot of the Potrero hills.

The legislature in 1851[1] confirmed an ordinance adopted by the Common Council of San Francisco granting a franchise for a toll road on Mission Street from Fourth Street to Center (now Sixteenth Street), and in 1860 the franchise was renewed for a term of five years, one of the conditions being that the grantees of the franchise should "fill up with earth or sand the space on said Mission Street between Price [now Seventh] and Harris [now Eighth] Streets, or shall reconstruct the bridge now occupying said space."[2] According to Hittell:

> . . . the most expensive part of the work was a bridge several hundred feet in length over the ravine or quagmire near Seventh street before mentioned. It was intended to build the bridge on piles; but the first pile that was placed in position, though twenty feet long, was driven entirely out of sight by the first blow of the pile-driver. A second pile of equal length was placed on top of the first; but, to the utter astonishment and dismay of the contractor, it too disappeared under a couple of blows. This indicated that there was no solid foundation within forty feet and rendered the project impracticable. At the suggestion of the contractor, the plan of piling was abandoned and a platform of heavy planks laid over the bog, upon which cribs of logs were built up so as to make a foundation; and upon this the bridge was constructed. When first built it was a perfectly level structure, having a height of about twenty feet in the middle of the ravine; but on account of its foundation it always shook when crossed by heavy teams; and in the course of a few years, as the platform of logs settled deeper and deeper in the swamp, it sagged down in the center at least five feet below the horizontal.[3]

It will be recalled that when the United States was contemplating the purchase of the site where the Post Office now is, it was claimed that it had been a marsh, and that in the earthquake of April 18, 1906, the land in Mission Street, in front of the Post Office, caved in, and that buildings in this area collapsed from subsidence of the land.

A franchise for a toll road on First Street from Mission Street to Folsom Street and along Folsom Street to Center, now Sixteenth Street, was granted on March 7, 1853. With reference to this Hittell says:

> There was no delay in building the new road, though it ran for nearly half a mile across salt-marsh swamps between Fourth and Eighth streets; and much trouble was experienced in filling them up with sand until a sufficiently solid foundation could be obtained on which to lay the planks. On the occasion of an extraordinarily high tide backing up from Mission bay in 1854 a portion of the road between Fourth and Fifth streets was overflowed and the planking displaced and floated off.[4]

A glance down almost any of the numbered streets from Third Street west will convey some idea of the extent of the marshes.

MISSION BAY BRIDGE

In 1862, the legislature granted a franchise to David Blair Northrop, Horace Cole, Elnathan B. Goddard, and associates to build a plank road or bridge from or near the end of Fourth Street on the north side of Mission Bay to or near the foot of Noble Street on the south side, but requiring the installation of a draw in the center of the channel not less than twenty-five feet in width so as to admit the passage of all ships or boats navigating the waters of Mission Creek or Mission Bay above the bridge.[5] One of the provisions of the act was that the grantees might require that the speed over the bridge should not be faster than a walk. Inasmuch as the act was undoubtedly drawn by the grantees, it would seem that they were not too sure of the stability of the bridge.

In 1863 the act was amended to make the southern terminus at the foot of Kentucky Street.[6] At that time Kentucky Street existed only in the Potrero, the so-called foot being its northerly terminus at Sixteenth Street. The rest of the street to the north existed on a map only and is now Third Street. The bridge followed substantially the present line of Fourth Street from Townsend Street to where it intersects Third Street, and thence along the latter street to the Potrero.

Up to the time of the construction of the bridge, access to the Potrero was by boat or over San Bruno Avenue, and the bridge, popularly known as Long Bridge, opened up the Potrero by a more direct route. Many industries were located there, chief of which were the slaughter houses, glass works, rope walk, rolling mills and the dry dock at Hunter's Point. A street car line, running from North Beach to Bay View Race Track, in Bay View Valley in the Potrero, crossed the bridge.

MISSION CREEK

As the mouth of the creek was west of Seventh Street, it may be regarded as an estuary of Mission Bay. The channel, referred to in the franchise of Mission Bay Bridge, entered Mission Bay at about where Channel Street now is and after reaching Seventh Street turned due west and entered the mouth of Mission Creek.

The creek, in its windings, coursed westerly in what is now Division Street, turned southwesterly, crossing Alabama and Harrison Streets, and then proceeded due south between Harrison Street and Treat Avenue to Eighteenth Street. The marshes extended easterly to the Potrero and westerly in some places as far as Mission Street.

In 1854, the legislature declared Mission Creek, from its mouth as far as the tide flows, a navigable stream,[7] but in 1874, all of that portion of the creek between Ninth and Eighteenth Streets was vacated as a navigable stream.[8]

Singularly enough, although it has not existed for three-quarters of a century, it is still designated as a navigable stream.[9] How far it was navigable in fact is not known, though when, in 1855, the legislature granted a franchise for a bridge from Brannan Street to Potrero Avenue, it provided that the bridge should at no time obstruct the free navigation of the creek.[10] A bridge existed at least until 1868, for in that year a franchise for a street railroad included in its route "Brannan Street to Potrero Avenue crossing Mission Bridge."[11]

The existence of Mission Bay and Mission Creek was responsible for the southward curve of the streets south of and parallel to Market Street after they pass Eleventh Street, and the eastward curve of the numbered streets south of Eleventh Street.

ISLAIS CREEK DISTRICT

For the purpose of this article Islais Creek district is that portion of San Francisco bounded on the north by Army Street, on the east by the Bay of San Francisco, on the south by Potrero Viejo, and on the west by San Bruno Avenue. It is that part of the Bernal grant known as Rincon de las Salinas, which, freely translated, means "corner (or district) of the salt marshes."

These marshes were penetrated by an estuary of San Francisco Bay that was originally known as Du Vrees Creek, later as Islais Channel, and sometimes as Islais Creek. The name Du Vrees Creek appears on a contour map from a survey made in 1857-58.[12] I have found no other mention of this name. On this map the creek appears as entering from San Francisco Bay and running first southwest, then southeast, and finally southwest. It is not, however, to be confounded with the fresh water Islais Creek described in Appendix A. All that is left of the estuary is its mouth lying easterly of the Southern Pacific Railroad. Most of this district has been filled in, but only one street has been constructed across it and that is Evans Avenue. While the district has not been entirely filled, the waters of San Francisco Bay have been effectually excluded. There are very few improvements in the district and they are at the eastern and western ends, the intervening space being for the most part covered by lumber yards.

Several sloughs branched from the main channel, and one, longer than the others, was known as Precita Creek, of which more hereafter. What was known as Islais Creek channel ran southwesterly from the bay to what was known as Bay View Turnpike, now Barneveld Avenue, at which point it turned southerly for a short distance along the easterly side of that thoroughfare. The legislature in 1868[13] declared "Islais Creek from Franconia Landing, on or near Bay View Turnpike to its outlet into San Francisco Bay, and thence easterly along the southerly line of Tulare Street to the city water front on Massachusetts Street" a navigable stream. No trace of Franconia Landing remains, but the reference to its being located on or near Bay View Turnpike would indicate that it was in all probability at the intersection of what appears on the map as McKinnon Avenue and Barneveld Avenue.

The degree of navigability is left in doubt, however. In the case of Freeman *vs.* Bellegarde the Supreme Court said:

> Islais creek empties into the bay of San Francisco, and the tidal waters of the bay ebb and flow in the creek for some distance above its mouth. At the line of the land claimed by plaintiff nearest the bay [which according to the record was about where Fairfax Avenue if extended northwesterly would have crossed the creek] the creek is, at ordinary high tides, three hundred feet wide, and the ground at that point that is covered and uncovered by the ebb and flow of the tides has a width of one hundred and fifty feet between the bank of the stream and the line of ordinary low-water mark. At high tide the water nearest the bay is about three feet deep, and at a point below the lands in controversy there is at low tide no water in the creek, thus rendering the creek a mere basin which is filled and emptied by the ebb and flow of the tide.[14]

A witness in the above case testified that in 1861 a steamboat came up the creek and remained there for a month, suggesting that it ran aground, and that in the same year schooners came up to a point on the creek, which he named as Mazzini Street, to get wood and hay. Mazzini Street in all probability existed but for a short time and only on a map where it is laid out in a marsh across Islais Creek channel, a short distance easterly of Bay View Turnpike, which the witness stated had not then been constructed. The fact that the only solid ground in that vicinity was at the easterly base of Bernal Heights would seem to indicate that at the time Franconia Landing was declared to be at the head of navigation the creek was in fact navigable to San Bruno Avenue for vessels of light draught, such as would be employed in the carrying of wood and hay.

PRECITA CREEK

This branch of Islais Creek left it at a point where what is now Evans Avenue intersects Army Street and proceeded in a winding westerly, southerly and northwesterly course crossing Army Street three times between Vermont and Utah Streets, its channel being in what is now Army Street from Potrero Avenue to San Jose Avenue. Though the channel itself was not very wide after crossing Potrero Avenue, the marshes, according to William J. Lewis, to whom we shall refer in a subsequent chapter, were from six hundred to eight hundred feet wide.[15] From Potrero Avenue southwesterly to San Jose Avenue it was paralleled on the north by what was known as Serpentine Avenue and on the south by Precita Avenue, the latter, however, extending to Mission Street. The creek was probably fresh water from San Jose Avenue for some distance easterly.

The legislature in 1878 authorized the board of supervisors to construct a sewer in the channel of the creek and to abandon all of Serpentine Avenue.[16] Pursuant to this, Army Street was extended westerly over the former channel of the creek, the course of which is indicated by Army Street as it now exists.

THE POTREROS

The word *potrero* in Spanish means "pasture," and under the pueblo system a *potrero* was classed as *ejidos*, that is, land for the common use of the inhabitants of the pueblo.[17] There were two of these *potreros* in the Pueblo of San Francisco, one known as *viejo*, or old, and the other as *nuevo*, or new, but now both are known as the Potrero.

The Potrero Viejo embraced the portion of the Bernal grant south of the Islais Creek district and also what is known as Bernal Heights. A note in the case of Hart *vs*. Burnett reads as follows:

> October 10th, 1839. Governor Jimeno to J. C. Bernal; one square league, being "Rincon de Salinas y Potrero Viejo." It will be seen, by an examination of the archives, that Bernal applied for a grant of this land, and "La Visitacion," on the second of November,

1834, two days before the order was issued by the Governor for organizing the pueblo of San Francisco. On the second of January, 1835, Governor Figueroa decreed on this petition as follows:

"As it appears, from the preceding reports, that the land asked for by José Cornelio Bernal is of the property of the pueblo of San Francisco de Assis, to which it serves as *ejidos* for the common cattle, the petition is not granted, as it cannot be given in ownership (*en propiedad*), but the party interested may keep his cattle there, the same as other citizens do."[18]

Later, however, "the authorities of the pueblo, and the person in charge of the Mission, were consulted, and both gave their written consent to the grant."[19]

The Potrero Nuevo was officially "Potrero de San Francisco"[20] and also was known as "the Potrero in front of the Ex-Mission of San Francisco." An interesting bit of history connected with it is found in two cases decided by the Supreme Court of California, Brumagim *vs.* Bradshaw[21] and Spotts *vs.* Hanley.[22]

In the former case the court said: "The testimony shows the Potrero to be a peninsula, containing about one thousand acres; bounded on the north by Mission creek and bay, on the east by the bay of San Francisco, on the south by the same bay and Precita creek, and on the west by a stone wall and ditch, running from Mission creek on the north to Precita creek on the south, across the neck of the peninsula."[23]

The testimony in this case has not been preserved, but from the transcript on appeal in Spotts *vs.* Hanley, the testimony of two witnesses, stated in narrative form, not only describes the stone wall and ditch referred to in the first case, but also the nature of the ground adjacent to the stone wall. The witnesses referred to were George Treat (see Appendix B) and William J. Lewis. The former was a pioneer and was active in those portions of the city known as "the Mission" and "the Potrero" for many years. He testified as follows:

> I have known the property called the Potrero Nuevo for about fifteen years before 1865. I had something to do with this property. My relations to it commenced in 1850. The Potrero named was a peninsula bounded on the west by a stone-wall and fence and Mission Creek, on the north by Mission Creek and a branch of the bay sometimes called Mission Bay, and on the east by the bay, and on the south by the bay or a branch of the bay and Precita Creek. In 1850, I built a fence across from Precita Creek to Mission Creek. There had formerly been a stone-wall there; there was no wall then, but the stone was there, also an old ditch, a large ditch, probably built by the Jesuits. The wall was down in many places. We put up the stones, and between places where the wall was down I connected them with a post and board fence. At the north end there was hardly any stones; I put that up, nearly all with post and board fence. . . . The stone wall about four feet high, and the post and board fence about four and a half feet high. They were connected when I lived there. I built a strong gate, with large iron hinges, and that gate I had locked with a chain. When I put cattle in and out, they went in and out of this gate. . . .[24] I got this enclosure and fence built along in August or September, 1850, I think. There was no access to the Potrero except through the gate or by water. . . .

> The gate was generally kept shut and locked. There was no other gate or entrance to the Potrero. It ran through the race-track. We had to cross the race-track to get to this gate.[25]

The race track referred to was the Pioneer Race Course, the first race track in San Francisco. This had been built by George Treat and his brother John. At the time it was laid out there were no streets in the neighborhood, but from a map published in 1864 it would appear to have been bounded roughly by what is now Twenty-fourth (formerly Park) and Twenty-sixth (formerly Navy) Streets and Capp and Alabama Streets.[26]

The other witness, William J. Lewis, testified as follows:

> I am a surveyor and civil engineer; I have practiced my profession in the City and County of San Francisco since 1856. In 1856, I was acting as Deputy City and County Surveyor, in the City of San Francisco. I know the tract of land known as Potrero Nuevo. I made a survey of the Potrero in 1856. I first made a survey of the exterior boundaries, and then when we agreed upon the plan of dividing it into streets and blocks I made the survey for the subdivision, and afterward made a map of it. That map was filed in the Recorder's office. I had occasion in making this survey to travel over the whole exterior boundaries of the ranch, and in subdividing it becoming intimately acquainted with the whole matter in laying it out into streets and blocks. In the western boundary of the tract I found a stone wall which formed a greater part of the western boundary. The stone wall came very nearly down to Precita Creek, and then to the north end there was a fence and a ditch that came down to Mission Creek; a fence on the banks of the ditch that came down from the end of the wall to the marsh at Mission Creek. . . .
>
> The marsh at the end of the wall at Precita Creek was very soft. There was very little water at Precita Creek. It was all marsh we may say. At Mission Creek at the end of the fence it was still worse, that was utterly impassable on foot for a man.
>
> The stone wall commenced at the edge of the marsh of Precita Creek. The creek was a very small stream. The edge of the marsh was not hard—it might have been hard out 20 or 30 feet, but it got soft immediately. We had difficulty in running out those blocks on that account. The marsh was six to eight hundred feet across, from hard ground to hard ground. In starting from hard ground the marsh became softer and softer until you got out 25 or 30 feet, it became decidedly soft. The marsh is very soft, and I know it is deep. It was very difficult to find bottom; at that time I found it was soft marsh. My surveys extended to the creek. . . .[27]

Considering the fact that the testimony of these witnesses was given long after the streets in the vicinity of the stone wall and ditch had been constructed, it seems remarkable that the location of the stone wall and ditch was not given with reference to these streets. However, this may be accounted for by the fact that there seems to have been no question as to the facts to which these two witnesses testified. A map from surveys made in 1852 shows the stone wall extending southeasterly from the head of Mission Creek almost to Precita Creek.[28] The title of the plaintiff in each case was based on possession under the Van Ness Ordinance (see Appendix C), it being contended that the natural boundaries plus the artificial boundary consisting of the stone wall and ditch was such an enclosure as satisfied the Van Ness Ordinance. The Supreme Court, while recognizing that theoretically this contention was valid, reduced it to an absurdity by several illustrations, one of which was as follows:

> The City of San Francisco is situate on a peninsula, containing many square leagues of land; at the narrowest point of which, in the vicinity of Redwood City, it is but a few miles across the neck from the bay of San Francisco to the shore of the ocean.
>
> If the rule we are discussing was of universal application, a fence from Redwood City to the sea shore, including the entire peninsula, would establish an actual possession—a *possessio pedis* of the whole of it; and if the rule were universal and without qualification, the same result would follow if the peninsula were ten times as large as it is. The Courts should hesitate long before establishing a rule of such universal application, as to lead to these absurd results. . . .[29]

It appears from the facts recited in the foregoing cases that many persons squatted on the Potrero. The reason for this doubtless was that the title to the Potrero was long disputed and involved in litigation between the De Haros and the United States, until the matter was finally decided by the Supreme Court of the United States in 1867. Francisco and Ramon De Haro laid claim to the Potrero under what they asserted was a grant by one of the Mexican Governors, Manuel Micheltorena, but which the United States claimed was nothing more than a license for the pasturage of their cattle.[30] The claim of the De Haros was confirmed by the Board of Land Commissioners, but upon appeal to the United States District Court the claim was rejected on the ground that the document on which the De Haros relied conferred no title on them. From this decision an appeal was taken to the Supreme Court of the United States, which affirmed the decision of the District Court. The license was in the following language: "I declare Francisco and Ramon De Haro, empowered to occupy provisionally the piece of land called Potrero de San Francisco to the extent of half a square league."[31] The reason for not making a grant was that the Potrero was *ejidos*, or the common property of the inhabitants. The court in its opinion said: "The case on account of the large pecuniary value of the land in controversy has elicited great interest. We have been aided by oral and written arguments of rare ability, and the question of pueblo and mission rights and powers of the Mexican Governors of California over them has been much pressed upon our attention."[32]

Some of the ablest lawyers in the nation appeared in the case. In addition to the California attorneys there were: William M. Evarts, Jeremiah S. Black, Caleb Cushing, Montgomery Blair, and Henry Stanbery. Of these, Messrs. Black and Cushing had been attorneys general of the United States; Stanbery was attorney general and Evarts succeeded him. Montgomery Blair had been postmaster general in Lincoln's Cabinet. The local attorneys of note were: William M. Stewart, Harvey S. Brown, the firm of Shafter, Heydenfeldt and Goold, and John B. Felton.

CASES INVOLVING TIDE- AND PUEBLO LANDS

In the California Reports there are a number of cases which involve questions relating to pueblo lands in San Francisco (see Appendix C), and some of these cases eventually reached the Supreme Court of the United States. One of these, entitled United Land Association *vs.* Knight,[33] is important as it raised a question whether the title of the city evidenced by the patent of the United States or the deed of the State Tide Land Commissioners to land in the mouth of Mission Creek conveyed the better title.

The decree of the United States Circuit Court confirming the title of the city to the pueblo lands designated:

> . . . a tract situated within the county of San Francisco, and embracing so much of the extreme upper portion of the peninsula above ordinary high-water mark (as the same existed at the date of the conquest of the country, namely, the seventh of July, A. D. 1846), on which the city of San Francisco is situated, as will contain an area of four square leagues—said tract being bounded on the north and east by the bay of San Francisco; on the west by the Pacific Ocean; and on the south by a due east and west line drawn so as to include the area aforesaid. . . .[34]

As a survey was necessary, one was made and approved by the United States surveyor general for the State of California and was known as the Stratton Survey.[35] The line of ordinary high tide in this survey followed the sinuosities of Mission Bay and its estuary, Mission Creek, thus excluding as much of these bodies of water as lay below ordinary high water mark. Although the secretary of the interior took no action either for the approval or rejection of this survey, the State of California through its Tide Land Commission surveyed the excluded lands and platted them into subdivisions and sold them.

Subsequently, the secretary of the interior ordered a new survey, which was made in 1884 by Ferdinand von Leicht. This was known as the Von Leicht survey, and upon it a patent to the city was issued. The survey threw Mission Bay and Mission Creek within the four square leagues. The plaintiff, United Land Association, claimed under the deed of the Tide Land Commission, and the defendant, Knight, under the deed from the city. The Supreme Court of California, in a four to three decision, upheld the title derived from the Tide Land Commission. While the real question was whether or not the patent of the United States could be impeached by evidence that the lands included lay below the line of ordinary high tide, the Supreme Court decision was based on the proposition that the United States, as the successor of Mexico, could not grant what it did not own. In other words, that the Mexican Government could not have granted land lying below ordinary high tide, and the United States, as the successor of Mexico, held land lying below the line of ordinary high tide in trust for the future state.

The Supreme Court of the United States, to which an appeal was taken, reversed the decision of the Supreme Court of the State, holding in effect that the question whether or not the land included in the patent lay below the line of ordinary high tide was one for the United States Government to determine, and that the Government's decision that the land did not so lie was the determination of a question of fact and, therefore, not reviewable by the courts.[36] As a result the city was held to be the owner of all the land described in the patent, and of course deeds executed by the Tide Land Commission were void.

APPENDIX A

Islais Creek

This is the creek referred to on the first page of this article as fresh water. It lies beyond the limit of the area covered by the article, but because of the fact that it bore the same name as the estuary it should be described.

One of its sources was in the glen on the southern slope of Twin Peaks, formerly known as San Miguel Hills, just north of Portola Drive. Portola Drive was originally San Miguel Toll Road, and the little kiosk which was the toll house is in the glen just north of the drive, where the Shetland ponies are now kept for children to ride.

South of Portola Drive is a deep and wide canyon which narrows as it extends southeasterly. The creek coursed through this canyon and by Glen Park and then through what is now Bosworth Street until it reached the bottom over which Mission Street viaduct is built. The other source is about where Cayuga Avenue and Regent Street intersect. Its channel was what is now Cayuga Avenue and joined the other branch under the Mission Street viaduct. The creek widened between Niagara and Geneva Avenues to form what was known as Lake Geneva. It then took a generally southeasterly course in a channel that is now Alemany Boulevard and, crossing San Bruno Road, emptied into Islais Creek estuary at about where Industrial Street is shown on the map.

The name given the creek has the appearance of being Spanish, but the Spanish dictionary does not contain it. An Indian word "islay," meaning wild cherry, suggests the origin of the name. There were many wild cherry trees on the peninsula, and it is probable that some of them grew on the banks of Islais Creek and that the Spanish may have adopted the name and given it a Spanish form, something that has been done frequently with native names.

APPENDIX B

Biographical Note on George Treat

George Treat deserves more than mere mention. Born in Frankfort, Maine, on April 16, 1819, the son of Joshua and Sarah (Sweetser) Treat, he left that state in his early youth and in 1835 settled in New Orleans. He remained there until 1847, when he and his brother John enlisted in the United States Army and went to Mexico shortly before the war with that country ended. After his discharge he came to California on the bark *Selina*, reaching Santa Barbara on July 8, 1849, and San Francisco on August 10. The brothers settled in the neighborhood of the Mission and raised foodstuffs for the city markets. George Treat later engaged in mining enterprises in Nevada and Mexico, and was prominent in business circles in San Francisco. Treat Avenue, in this city, was named for him. He was a member of the first Committee of Vigilance of San Francisco, and when the South seceded from the Union, he enlisted in a California regiment which, however, remained here.[37]

As did many others in those early days, he became interested in horse racing and owned a horse. This horse he named "Thad Stevens." Treat was an ardent Abolitionist, because he had seen slavery at its worst in New Orleans, the slave market of the South; it may therefore be inferred that he named the horse for the famous Abolitionist of that name. It was affectionately called by San Franciscans, "Old Thad," and in two of the most memorable races held in San Francisco it was the favorite. On November 15, 1873, it won the first race at Ocean View Race Course, and lost the second at Golden Gate Driving Park a year later. The attendance at the first race was fifty thousand and considerably more at the second.[38]

George Treat was married on April 19, 1857, to Clarinda Littlefield, daughter of Rufus Batchelder, of Prospect, Maine, and they had five children: May Benton (the late Mrs. Alexander F. Morrison), Clara Littlefield, Sara Batchelder (Mrs. George R. Child, who lives in San Francisco), Rosa, and Frank Livingston Treat. He died in San Francisco in May 1907.

APPENDIX C

The Pueblo of San Francisco

What is now the City and County of San Francisco was, under the Republic of Mexico, the Pueblo of San Francisco, though this was strenuously denied by the United States Government. The petition of San Francisco filed with the United States Board of Land Commissioners July 2, 1852, was for four square leagues. The majority of the commissioners denied the petition for that quantity of land but in their decree of December 21, 1854, allowed it for that portion of the present city lying north of a line drawn from Rincon Point to Lone Mountain and thence to Point Lobos.[39] The minority member held that there was no evidence of the existence of any pueblo.

An appeal was taken both by the city and by the United States to the United States District Court.[40] Subsequently the United States dismissed its appeal and consented to a decree being made in accordance with the decree of the commissioners. The city, however, refused to accept this offer, and pursuant to an Act of Congress the case was transferred to the United States Circuit Court. Justice Stephen J. Field, of the United States Supreme Court, sitting as circuit justice, heard the appeal and awarded the city the four square leagues claimed by it. There were, however, certain portions reserved out of this area.[41]

An appeal was taken from this decree to the Supreme Court of the United States by both parties, and while it was pending an Act of Congress was passed March 8, 1866, by which the United States relinquished to the city all that had been awarded to it by the decree and confirmed the title of the city except as to the reservations. This disposed of the appeal. However, the city, on September 27, 1855, had passed an ordinance, which became known as the Van Ness Ordinance[42] from James Van Ness, the mayor who signed it, providing for the making of a survey of the land lying west of Larkin Street and southwest of Johnston, now Ninth Street, to be divided into lots and blocks out of which were to be reserved sites for school houses, hospitals, fire engine houses, and other public establishments necessary and proper for the use of the city, including public squares. By this ordinance the city relinquished and granted the land to the parties who were in actual possession on or before the first day of January 1855.

The legislature, on March 11, 1858, approved the Van Ness Ordinance and the map made pursuant to it.[43] This legislation, municipal and state, was responsible for the fact that San Francisco had ready for use, as the city grew, all of the sites delineated on the map, largest of which is Golden Gate Park. It took approximately fourteen years to confirm San Francisco's title to the pueblo, and it will be interesting to note the ground of its claim.

Under the Spanish system adopted by Mexico, the governor of the department was authorized to grant to inhabitants of a town four square leagues of land in the form of a square, or as nearly that shape as possible. The lands within the pueblo were, according to their adaptability for the purposes, set apart for the use of the inhabitants. It is apparent from the regulations prescribed for the government of pueblos that much care had been taken to provide a communal system of life within the limits of the pueblo.

The lands segregated for various uses bear Spanish names, of course, and some of them are not readily translated into English. Even in Spanish some of the terms are synonymous, and yet there must have been a substantial shade of difference or both would not have been included in the enumeration. It is not necessary to notice these distinctions. It is sufficient to note that the tenures were substantially three in number. The first, designated by the name *proprios*, indicated the character of the tenure which was that of absolute proprietorship, but the grant was limited to a fifty or a hundred vara lot as the site for a dwelling or shop. The second, *suertes*, were lands which might be rented, and from which a revenue was derived for the benefit of the inhabitants. These lands were for the purpose of cultivation. The third bore the generic name of *ejidos*, which is best understood by the word "commons" in English law. These were pasture lands known as *potreros*, *montes* from which wood both for fuel and building purposes was procured, and *terras de regadio*, lands on which there was water for use in irrigation or for the watering of cattle and for domestic purposes. There were, of course, other sites such as plazas, the Presidio and the Mission.[44]

The government of the pueblo consisted principally of the *ayuntimiento*, or town council, and the alcaldes, who were magistrates. It is not quite clear from the regulations who had the disposition of the lands in the pueblo, since different officials seem to have exercised the right. In the pueblo of San Francisco, the alcaldes made grants[45] for dwellings and business purposes while the governors made grants of larger tracts outside of the residential and business portions of the pueblo; also it would appear that the *ayuntimiento* had a hand in parceling out the lands.[46]

It has already been noted that Bernal's first petition for a grant of Potrero Viejo was denied on the ground that it was *ejidos*, but later the authorities of the pueblo and the person in charge of the Mission were consulted and both gave their written consent to the grant.

Whatever the system may have been, it was so loosely administered that in the case of the pueblo of San Francisco grave doubts were entertained whether San Francisco really was a pueblo, and it was this doubt that gave rise to the opposition of the United States to the confirmation of the city's claim.[47]

NOTES

1. *Cal. Stats.* (1851), 327.
2. *Ibid.* (1860), pp. 22, 23.
3. Theodore H. Hittell, *History of California* (San Francisco, 1898), III, 341-42.
4. *Ibid.*, III, 343.
5. *Cal. Stats.* (1862), 275-76.
6. *Ibid.* (1863), p. 414.
7. *Ibid.* (1854), pp. 18-19.
8. *Ibid.* (1873-74), pp. 711-13.
9. *California Harbors and Navigation Code* (1937), Sec. 103.
10. *Cal. Stats.* (1855), 270-71.
11. *Ibid.* (1867-68), p. 440.
12. U. S. Coast Survey, A. D. Bache, superintendent, topography by A. F. Rogers, sub-assistant, "City of San Francisco and Its Vicinity, California," 1859.
13. *Cal. Stats.* (1854), 18, 19.
14. Freeman *vs.* Bellegarde, 108 Cal., 179, 183.
15. Spotts *vs.* Hanley, *Transcript on Appeal*, pp. 50-51, in 426 *Records of Supreme Court*, pp. 218-79.
16. *Cal. Stats.* (1877-78), 270, 271.
17. See John W. Dwinelle, *The Colonial History of the City of San Francisco: Being a Synthetic Argument in the District Court of the United States for the Northern Dis-*

trict of California, for Four Square Leagues of Land Claimed by That City (San Francisco, 1863; reprinted San Diego, 1924), pp. 10 and 102.

18. Hart *vs.* Burnett, 15 Cal., 530, 625. Cf. Dwinelle, *op. cit.*, p. 69, and Addenda, p. 65.

19. Hart *vs.* Burnett, *loc. cit.*

20. Dwinelle, *op. cit.*, Addenda, p. 86.

21. Brumagim *vs.* Bradshaw, 39 Cal., 24.

22. Spotts *vs.* Hanley, 85 Cal., 155.

23. Brumagim *vs.* Bradshaw, 39 Cal., 39.

24. Testimony of George Treat in Spotts *vs.* Hanley, *Transcript on Appeal*, pp. 22-23, in 426 *Records of the Supreme Court.*

25. *Ibid.*, p. 26.

26. James Butler, "Map of the City and County of San Francisco . . . Drawn for the San Francisco News Letter and The Pacific Mining Journal," 1864.

27. Testimony of William J. Lewis, in Spotts *vs.* Hanley, *Transcript on Appeal*, pp. 50-51.

28. Clement Humphreys, county surveyor, "Map of the Northern Portion of San Francisco County Compiled from Surveys, June 1st 1852," January 1853.

29. Brumagim *vs.* Bradshaw, 39 Cal., 47-48.

30. See Dwinelle, *op. cit.*, pp. 74-75, and Addenda, pp. 86-88.

31. De Haro *vs.* United States, 5 Wallace (U. S.), 599, 687. Cf. Dwinelle, *op. cit.*, Addenda, p. 87.

32. *Ibid.*, p. 662.

33. United Land Association *vs.* Knight, 85 Cal., 448.

34. San Francisco *vs.* United States, 4 Sawyer, 577.

35. James Stratton was the deputy United States surveyor general for the State of California who made the survey. It was approved on August 13, 1868.

36. Knight *vs.* United Land Association, 142 U. S., 161.

37. *The National Cyclopaedia of American Biography* (New York, 1892-), XXV, 85-86; and Archives of the Society of California Pioneers, IV, 177.

38. The writer was present at the two races mentioned. See also B. E. Lloyd, *Lights and Shades in San Francisco* (San Francisco, 1876), p. 480. Treat also owned a California bred mare, "Mattie Howard," that trotted twenty miles in less than a hour, carrying a driver who weighed about 190 pounds. *Ibid.*, p. 482.

39. *San Francisco Municipal Reports: 1859-60*, pp. 172-73.

40. See Dwinelle, *op. cit.*

41. San Francisco *vs.* United States, 4 Sawyer, 553, 577.

42. The text of the Van Ness ordinance is printed in *San Francisco Municipal Reports, for the Fiscal Year 1865-6, Ending June 30, 1866*, pp. 392-95.

43. *Cal. Stats.* (1858), 52, 56.

44. See Dwinelle, *op. cit.*, pp. 8-9, 10-11.

45. For a discussion of alcalde grants see B. S. Brooks, "Alcalde Grants in the City of San Francisco," in *The Pioneer: or California Monthly Magazine*, I, 129-44, 193-200, 257-64, 321-29; II, 1-15.

46. See Dwinelle, *op. cit.*, pp. 57-59.

47. For a further discussion of the pueblo question see William Carey Jones, *The "Pueblo Question" Solved, in a Plain Statement of Facts and Law* (San Francisco, 1860).

The Distressingly Virtuous Isaac

Biographical Notes on Isaac Cox, Author of The Annals of Trinity County

By ALICE BAY MALONEY

OBSCURITY cannot forever claim a man whose virtues were so great as to confound his critics. Isaac Cox's enemies could find nothing worse to say of him than that he gave them a pain. He argued so logically and so consistently to sustain his convictions that he annoyed his opponents to the point of exasperation.

Isaac Cox was born in Maryland in 1829. From meagre records available[1] it would seem that his grandfather's name was Jacob and his father's Isaac, but there is no positive confirmation of either name. *The Trinity* [*County*] *Journal* of February 25, 1871, gives us a brief glimpse of his background:

"ONE OF OUR PIONEERS—Cox's Bar takes its name from one Major Cox from Illinois, who settled it in 1853, kept a store, got rich and departed in 1857. The old gentleman is still living and not long ago wrote to an old friend in this county, that he was in good health."

The *History of Siskiyou County* records the arrival in northern California of one who was probably this same Cox:

"Late in the summer of 1850 there arrived at the Blue Tent a company from Indiana . . . Two of these, Cox and Benedict, were men who had long since passed the golden age of youth . . ." Later Cox and Benedict returned to the banks of the Wabash.[2] Tradition says that Major Cox, of Illinois, was accompanied by several sons when he went gold seeking in California, but the source of this rumor has not been traced. Isaac Cox, it would seem, was one of the sons.

Of the life of Isaac Cox in Indiana and Illinois nothing definite has yet been learned. It has been suggested that certain liberal tendencies and a sound understanding of the weaknesses of communistic land settlement projects may have resulted from attendance at a school or college of one of the co-operative colonies established in the Middle West in the 1830's and 40's by a refugee sect with utopian ideas. Wrote Isaac Cox in 1867, "There is no demonstration yet satisfactorily made by experience to sustain the Communistic philosophy."[3] Isaac wrote warily for he had many political enemies ready and waiting to challenge him. When he said "experience" undoubtedly he meant his own practical experience. Further research may throw light on this phase of his history.

Certain traces of Isaac Cox's residence in Shasta and Trinity counties remain in the archives of those districts. Mrs. Gertrude Steger, President of the Shasta Historical Society, has furnished the following:

"December 8, 1852, Isaac Cox applied for a quit claim deed to 160 acres of land in Grass Valley 35 miles from Shasta near Willow Springs on the east side of the emigrant road leading from Shasta to Humboldt."

This land was on the boundary line of Shasta and Trinity counties, which at this period were under one jurisdiction.

"September 9, 1854, Hazelrigg Cox & Co. sold Roop's Corrál to E. W. Tracy.

"September 30, 1854 I. V. Cox sold the Eldorado lot in Shasta to Arthur Hazelrigg."

The Shasta *Courier* of June 18, 1853, in a column called "Trinity River Correspondence," says:

"Major Cox is the proprietor of the Hotel and Trading Post attached to Vance's Bar 3 miles below Big Flat."

Later, on October 14, 1854, this same newspaper records:

"Adam's Express headquarters are at Cox's and Walsh's stables, Shasta."

After the publication of *The Annals of Trinity County* in 1858 Isaac Cox disappeared from the California scene. All that was known of him up to the publication of the second edition of this rare book appears in the introductions to that volume.[4] This article will record the tracking of the elusive Isaac over western trails; a chase of which the scent on the trail, logically enough, was scraps of printed pages. Isaac Cox at an early age formed a taste for printer's ink which he kept through his decline.

My participation in this man-hunt owes its inception to Miss Caroline Wenzel, of the California room of the State Library. Miss Wenzel issued a challenge to me to produce further information about Isaac Cox and with her happy aptitude for stimulating interest in western historical research sounded the tocsin for a more or less successful expedition.

Always with a wary eye out for mention of Isaac Cox, I was rewarded by a listing in the W.P.A. *Guide to the Manuscript Collection of the Oregon Historical Society* which came to me late in 1940.[5] Included in the collection of Jesse Applegate letters was a communication from Applegate to Matthew P. Deady stating that he had written a chapter for a history of Oregon by Isaac Cox. The letter was dated 1868 and was written from Yoncalla, Applegate's home in the Umpqua Valley. There can be little doubt but that the author of *The Annals of Trinity County* and the author of the proposed annals of Siskiyou and Humboldt counties[6] had "moved over into Oregon," as the current vernacular put it, and was once more engaged in the recording of local history.

With this clue I was able to trace Isaac Cox to Sailors Diggings, later Waldo, in Josephine County, Oregon, just over the California line, where by 1864 he had resided three years. In that year Isaac Cox was elected to the

Oregon state legislature as representative from Josephine County, and on November 14 of that year he furnished the following information to C. L. Fisher, sergeant-at-arms of the House:

Name: Isaac Cox
Where born: Maryland
Occupation: farmer
Address: Waldo
Married or Single: single
Years in Oregon: 13 [error for 3]
Religious Belief: Golden Rule

On September 5, 1864, the Salem *Oregon Statesman* printed a list of the members of the legislative assembly. The Union members appeared in Roman type, Copperheads in italics. Isaac Cox's name was in italics.

A digest of Cox's activities in the Oregon legislature during the crucial year of 1864 is pertinent to this chronicle since it throws light on his character and pursuits as statesman and author.

On September 12, 1864, Cox was appointed to the committee on Indian Affairs.

In a joint session of Senate and House (possibly on the same date) called to elect a United States senator, Cox was one of six who voted on all three ballots for John F. Miller. George H. Williams was elected.

On September 16 Cox presented a memorial from Josephine County asking relief from certain forfeitures. This was referred to a select committee, Messrs. Cox, Fay, and Ireland. He also gave notice of a bill in relation to the boundary of Josephine and Jackson counties. A second notice on this same day declared his intention to present a bill making white men responsible for taxes of Chinamen trading in their names.

On September 20 Cox gave notice of three bills: one relating to rights and liabilities of stockholders in corporate companies, one empowering school boards of directors to examine and give certificates of qualification to teachers in their respective communities (this bill was indefinitely postponed), and one empowering tax collectors to collect taxes upon property removed from the county where assessed. This was on Tuesday morning. In the afternoon the indefatigable Mr. Cox promulgated another bill seeking to distribute the school fund of Josephine County equally among the districts of the county.

On September 22 Cox offered a bill to change the method of voting.

On October 24 Representative Cox was one of five absentees during voting on a bill regarding militia law and a camp of instruction and a bill providing bounties for enlisted men.

The foregoing information was furnished by the Oregon State Library in response to a request for data on Cox. Two or more fires destroyed early records of the Oregon legislature, and most of the items were gleaned from the columns of the *Oregon Statesman*, of Salem. From the same source it was learned that Cox opposed the ratification of the thirteenth amendment to the Constitution of the United States at the special session of the legislature in 1865; and from the House Journal for 1864 came this picturesque bit of composition to enliven the search:

> Lane submitted the following protest:
>
> Mr. Speaker: We, the undersigned, members of the Oregon legislature, hereby protest against striking out the oath of allegiance as, by amendment prescribed in S.B. No. 22, bcause said act, without that oath, prescribes no way by which a person once engaged, directly or otherwise, in the present rebellion can avail themselves of Abraham Lincoln's amnesty proclamation, and hence it does conflict with said proclamation.
>
> Because, further, the bill without that provision, conflicts with every principle of humanity, which would teach us as Christians, that whenever our southern brethren, seeing the error of their way, repent and desire to return to their allegiance, it would be our duty to accept their repentance, extend to them the right hand of fellowship, and restore to them all the rights, privileges and immunities guaranteed an American citizen by the constitution of the United States.
>
> Because the spirit of that bill is inimical to a restoration of the Union, calculated to continue the work of "blood-letting;" to fire the south; "to stir a fever in the blood of age, and make the infant's sinew strong as steel," and is incompatible with the very spirit and genius of our government.
>
> LA FAYETTE LANE, of Umatilla
> ISAAC COX, of Josephine
> THOS. F. BEALL, of Jackson
> W. F. SONGER of Jackson
>
> House of Representatives, October 20, 1864.[6]

Isaac Cox in 1866 was reelected to the Oregon legislature for its fourth regular session. He gave the following information, and it is interesting to note that his golden rule religion of 1864 has become free thinking. Perhaps this was a result of his law making experiences.

Representative: COX
Nativity: Maryland
Age: 37
Years in Oregon: 4
Politics before '62: Democrat
Politics now: Democrat
Religion: Free thinker
County: Josephine
Vocation: farmer
Civil Status: single[7]

Jacksonville, county seat of Jackson County immediately east of Josephine County, was the first settlement in southern Oregon and boasted an excellent newspaper of Union sentiments, the *Oregon Sentinel*. After the Civil War many Southerners moved into the region, many of them ex-soldiers of Price's Army of Missouri. Politics furnished the most exciting news for the pages of the *Sentinel*, and one writer says: "During these early days the press would have put to shame any present day examples of political epithets. Statements that would now be considered unfit for print were then hurled with gusto."[8] As an office holder Isaac Cox was a legitimate target for witticisms on the part of any erstwhile editor of the *Sentinel* who was of the opposite party and for enemies who might under cover of anonymity send in contributions. A correspondent signing himself "Observer" wrote from Salem on September 22, 1866:

> Mr. C[ox], the distressingly virtuous gentleman from Josephine, expressed his opinion (in a perfect storm of eloquence); to the effect that "any man who would act as a partizan on this floor, and vote as a partizan, was no better than a perjured villain, and deserved to be hung." He was determined to forget—or already had forgotten (I am not certain which)—that he was a Democrat. I think it was the latter, for it has been so long since he entertained a *true Democratic* sentiment that I judge he has already *forgotten it*. He hasn't any now to forget.[9]

Cox, it will be remembered, designated himself by that now modern term, "liberal Democrat," when he signed in for his first term in the Oregon legislature.

"Observer" in October following aimed his words at Cox again: "A Bill is on its way to prohibit the amalgamation of the races, it proceeds from the Union side of the House, being a Republican antidote for a Democratic evil. It was on this measure Cox took a stand, and made the Hall thunder with Demosthenean eloquence."[10]

The editor of the *Oregon Sentinel*, with no little malice, found a vulnerable spot in Isaac's armor, so he thought, in December 1866, when Cox announced he was compiling and editing a handbook for legislators. The Constitution of the United States and other American documents were to be included; also rules of procedure, this last on account of the rough and ready pioneer methods of Oregon legislators which grated upon Isaac's ideas of decorum. This is how the news of the forthcoming book was received in the home neighborhood:

> *Cox on the Constitution.* Cox, the Democratic luminary of Josephine County, is about to burst on the astonished gaze of Southern Oregon like a first-class calcium light, or a blazing meteor from among the Pleiades. Cox is coming on the constitution; not literally "on it," but as an expounder of it. Coming to instruct and edify us with the profundity of his wisdom respecting that important document. In vain has the keen, subtle mind of "Story" analyzed that important instrument, searching like a skilful anatomist for the intricate and hidden springs of its vitality, probing motives, speculating on the logical sequence of probable causes, and exposing every vein, and artery, and nerve, and tissue, every ambiguous or doubtful expression, with a clearness that shames the surgeon's art. ... What a public benefactor! Just think of it! Going to explain all the big words. Please do so, Mr. Cox. Give us the constitution, and tell us what the big words mean; but An you love us "Hal," spare O, spare us the marginal notes, especially if they are Confederate Currency.[11]

The Portland *Oregonian* of June 7, 1867, carried the first news of the publication of Isaac Cox's book, *The American Safeguard*. In the editor of the *Oregonian* Cox found a worthy opponent and reviewer, one to whom his ideas and theories were living issues to be treated seriously and analyzed carefully. The editorial, with excerpts from the book, is given in full in order that the impact of the book written at the apex of Cox's career may reveal the man Cox as something more than a legend of California history.

An Oregon Book. Some time ago Hon. Isaac Cox, Representative in the State Legislature from Josephine county, notified the public that he was preparing for the press a work of a political character, the appearance of which might be expected soon. Mr. Cox has fulfilled his engagement and his book, *The American Safeguard*, is before the public. It is a book of nearly 400 pages, the greater part of which consists of such matter as Washington's Farewell Address, the Inaugural Addresses of Adams, Jefferson and Madison, the Farewell Address of Jackson, Extracts from the *Federalist*, and Jefferson's Manual of Parliamentary Practice. It contains, besides, the Declaration of Independence, and the Constitution of the United States, with an Analytical Index of the Constitution. Much valuable material is here arranged in a convenient form, though most of it is easily accessible in the numerous "Political Manuals" which have been issued and multiplied during the past half century. The original portion of Mr. Cox's book is comprised in the space of about 130 pages, and consists of a short treatise upon the Government and History of the United States, and a treatise on Political Economy. The author is known to be a Democrat of the "most straitest sect;" but for some reason or other he does not view history from a Democratic standpoint. His investigations in this field have evidently led him in many instances to conclusions directly opposite to the ideas entertained by his party generally. We think therefore that Mr. Cox has done himself great service by studying history with a view to writing an impartial book, and cannot but wish that others of his party would engage in similar investigations. As the political antecedents of Mr. Cox are very generally known, we think the public will be as much surprised with portions of his book as we were on reading the following passages:

"By an inconsistency of circumstances most remarkable, a great free nation was born with slavery incorporated among its institutions. It was partially forced on the colonists by the avarice of a king who insisted that the slave trade should continue because he derived an income by levying a duty on the traffic. The circumstances of climate made the Negro at home in Georgia and the Carolinas, while the need of labor and the difficulty of securing such as could withstand the climate, made him seem invaluable. *Against the prevailing sentiment of the Southern statesmen of the Revolution, slavery had grown* powerful, because natural causes made Southern prosperity seem to depend on it, while at the North a more temperate climate and immigration from the old world made the sluggish movements of a slave comparatively worthless. So the people of the Southern States were born with slavery as a heritage, *and the institution that the world was beginning to abhor*, was to them a domestic fact, sometimes aggravated by abuses, and often attended with humane and benevolent characteristics. As new territory was acquired, slavery claimed the right of being extended, and in time spread far beyond the original limits. Its claims occasioned remonstrance, and the North, in which slavery had become profitless and had died out, asserted that freedom was national and slavery sectional. The words of the Constitution have been quoted to sustain the arguments of all sides.[12] Congress became the theater of excited debate, and every State a political arena, where the question of slavery and its extension occupied almost exclusive space. Looking back upon the past we see that the effect has been to develop sectional animosity and political strife. The results of 1860 were in favor of free soil sentiment. The election of President Lincoln and a Congress to sustain him showed that the extension of slavery had an end. During all these years political antagonism had been producing bitterness, and the leaders of the South drew their people after them, until secession was attempted, *and rebellion and civil war became the inevitable consequences*."

This is a remarkably candid and correct view of the great struggle between freedom and slavery. Mr. Cox is the only Democratic writer we have ever known who has treated the subject with so great a degree of fairness. The history he writes is of that sort which "Abolitionists" themselves will have no objections to seeing circulated. What his own party will say is quite another question. Those who resisted the extension of slavery and finally abolished it, desire no better justification than Mr. Cox has voluntarily given them. Take the following as further proof that historical investigation has done the author good:

"It is the fashion of political and sensational writers to applaud by favor, and condemn with prejudice, but it becomes the historian only to recite facts and leave conclusions to be formed by intelligent minds. It is sad to have to recount the lamentable story of civil war: but the occasion is past, and the fact remains that the Union is preserved and the nation has grown great among the greatest, while it has been involved in civil war with its existence at stake. As a consequence of late events, slavery ceases to exist, and *without slavery there is no great disturbing cause to rend the land with deadly differences*. It delayed the accomplishment of Federal Union; it has divided the nation by a geographical line for half a century; it has been seen at the ballot box and heard at the hustings, until its domain was more extensive than the original Union. But it exists no longer, and as soon as national harmony has secured a hold again upon every State, we may hope that a reconstructed Union will still maintain the principles of the Constitution and flourish under it forever."

There is a good deal of propriety in calling the book which contains such sentiments as these *The American Safeguard*. Nothing could be more directly in opposition to all the recent teachings of the Democratic party than the general ideas embodied in the extracts we have given. We must congratulate Mr. Cox on the breadth of his views and the justness of his sentiments. He has completely vindicated the course of his political opponents and exposed the errors of his own party. Probably this was not intentional; we think it is the direct result of his honest efforts to be impartial and to lay aside every prejudice and all partisan feeling. His indirect, but conclusive testimony in favor of the party which has removed the "great disturbing cause" which "rent the land with deadly differences," is valuable as coming from one occupying the author's standpoint, and we are persuaded that if more history of this sort were written by men who can obtain readers among the Democratic party, Democrats would soon be vastly fewer than they are now.

That Mr. Cox has wandered away from the path of genuine Democratic orthodoxy is also rendered clear from the following paragraphs which we quote from his treatise on Political Economy:

"We can only allude to the subject of protection to give the results of experience, by a system of tariff regulations, it has been demonstrated that customs on importations offer the easiest means of raising revenue, and that protection can be made incidental thereto.

"Whenever manufactures have flourished and labor has been rewarded, the country has been prosperous, and the amount of protection given has enabled every section of the land to erect manufactories, and call the labor of many States to assist our industry."

The Democratic papers which have commended Mr. Cox's book have evidently done so without looking into it for nothing could be more foreign to the creed of that party than the above argument in favor of a protective tariff. At almost every step the author rejects some cherished Democratic principle or action; and though we should find on close examination that we could not endorse nearly all that it contained in the original part of the book we have no hesitance in commending it to the general attention, or even suggesting that it be given a place in schools with a special view to which it is furnished with questions and otherwise conveniently arranged. We believe the book will do good, and are glad to be assured that its publication is a successful experiment on the part of its author.[13]

The foregoing analysis and review of Isaac Cox's book is from the hand of Harvey Scott, the "Grand Old Man of Oregon" who dominated the thinking of the Pacific Northwest from the columns of the *Oregonian* for forty years or more. While Scott flays the proponents of the Democratic party in Oregon with Cox's conveniently provided weapons, nevertheless he voices complete respect for the probity and soundness of Cox's philosophy of history and government.[14]

Two weeks later, on June 22, 1867, the editor of the *Oregonian* was inspired to devote more time and space to *The American Safeguard:*

> The editor of the *Herald* [rival newspaper of Democratic persuasion] has warmly commended Mr. Cox's book advising its introduction into our schools. We hope the *Herald* editor will himself go to school to Mr. Cox, as he would learn some excellent lessons out of his book. We instance a passage which presents a short commentary on that clause of the Constitution which defines treason: "Treason against the United States," says Mr. Cox, "is defined as 'levying war against them or in adhering to their enemies, giving them aid and comfort.' During the past six years we have seen that one-third of the States attempted to secede from this Union, and as they endeavored to accomplish it by making war against the United States, their act in so doing cannot avoid the legal construction of having been treason against the United States." As the editor of the *Herald* has written dozens of columns in the endeavor to prove that no treason has been committed, he may profitably study this extract. Brief as it is, the argument it contains spoils about half the work he has done during the last year.[15]

With the knowledge that Isaac Cox's second book was at one time in general circulation throughout Oregon, Mr. Harold Holmes tried to secure copies of *The American Safeguard* and was fortunate enough to obtain one after some little delay. The writer picked up another copy in a secondhand bookstore in Portland. This copy, which is badly smoked along the margins, bears unmistakable evidence of escape from flames. It contains an interesting rubber stamp impress showing it to be from the library of Henry Failing, prominent early resident of Portland, and bearing the date, June 29, 1867. The book may have been secured from Isaac himself. It is regrettable that Mr. Failing did not have Isaac Cox autograph it, for as yet no scrap of Cox's handwriting has been salvaged. Other copies of this rare book were tracked down and found in the Portland Library and in the collection of the Oregon Historical Society. It is probable that private libraries also have copies. Of the second edition of this book more will be said later on in this chronological account.

The next bit of information concerning the indefatigable Isaac comes from the *Oregon Sentinel*, February 22, 1868. Quoting from the columns of an exchange, the Salem *Capital City Chronicle*, under a heading titled "In Brief":

"*The Chronicle* says that the Hon. Mr. Cox is canvassing Marion County for his history of Oregon and has already over a thousand signatures."

Isaac Cox's history of Oregon appears to be in the same category as his history of Siskiyou and his history of Humboldt. Not one reached the book stage. Certain correspondence in the columns of the Jacksonville *Oregon Sentinel* during the years of Cox's literary activities caught my eye and I made a re-examination of material in this newspaper hoping to turn up some anonymous fragments which might be from the pen of this industrious writer. During the sixties this newspaper changed hands frequently. One regime showed a more or less friendly attitude toward Cox, and during the ownership of one B. F. Dowell, who purchased the paper at executor's sale July 9, 1864, the editor may have published Cox's contributions over pseudonyms, one of which was "Pilot Rock." A specimen sentence (and there are many more of this style) describes the Klamath Lake country. A student of *The Annals of Trinity County* will note the resemblance to the style used in that volume:

"Leaving Ashland we ascend the Eastern rim of the basin in which the Rogue River Valley is contained by a good wagon road, and at the end of about sixteen miles find ourselves at Grubbonia or Dead Indian."

"Pilot Rock" wrote a series of descriptive travel articles with particular stress on Indian affairs. Cox was a member at this time of the Indian Affairs Committee in the Oregon House of Representatives.

Unique in their absence of announcement or comment by the editor are three articles which appeared in the *Sentinel* serially, on May 4, May 11, and June 1, 1867. Published anonymously, they are titled "Southern Oregon" and deal with that region in the same way that *The Annals* treats of Trinity County. It is not impossible that these are from the pen of Isaac Cox, who was known to be writing a history of the state at this time. The writer believes this to be the case. Jesse Applegate is quoted authoritatively throughout the articles, and we know from Applegate himself that he was assisting Isaac Cox with his proposed history. Also the style and general make-up of the articles indicate that Cox was the author. Although such internal evidence is not conclusive, it is strong. I have been unable to find the slightest information of any other writer in southern Oregon at this time who was capable of producing such finished historical work. Newspaper editors of the day confined themselves to politics and local affairs, and even should one have possessed talent of Cox's calibre it is not likely that he would have hidden his light under a bushel basket of anonymity. These articles represent all that has been found of the proposed history of Oregon.

When two years elapsed between meetings of the Oregon legislature it was found that Cox for a third time was successful in his candidacy to represent Josephine County. On August 29, 1868, his old enemy, or a successor, found an opening through which to attack Cox.

> Plead [*sic*] the Baby Act—The Hon. Isaac Cox, of Josephine County, was detained on the 21st by a legal officer of that county. He and his horse and buggy were attached for a debt of twenty dollars but the Hon. gentleman slipped out of the dilemma by pleading that members of the Legislature are not subject to arrest on civil process for

fifteen days prior to the commencement, or fifteen days after, nor during the session. The arrest was made more than 15 days prior to the meeting of the Legislature, but he claimed that he was on his way there, and the Justice let him go on his way rejoicing. Aint it funny to see an eminent Democrat, who has written a big book on the C-O-N-S-T-I-T-U-T-I-O-N plead the baby act for twenty dollars?[16]

Another fugitive newspaper clipping, undated and from an unnamed source but no doubt from the same pen as the above, came to my attention:

"*Valuable*—Cox of Josephine thinks his time worth more than $3 per day to sit and listen to anything but his own tyriffic [*sic*] eloquence. Right, Mr. Cox, you are worth your weight in brass."

Under a heading "Church Activities and Camp Meetings" the *Sentinel* gives us another glimpse of Isaac Cox, this time in another role:

". . . while the Hon. Isaac Cox has devoted half a dozen lectures to the oft attempted work of demolishing the holy writ itself."[17]

Isaac Cox was tardy in putting in his appearance at the session of the Oregon legislature in September 1868. Although the *Sentinel* states he made an early start, nevertheless the journey over mountain roads from Waldo, near the California line, to Salem was so long and arduous when made behind a single horse that he did not arrive in time. However, when he did arrive Cox was active as ever in matters of legislation. The paramount issue of the 1868 session was Oregon's connection with the transcontinental railroad now rapidly nearing completion. Two routes were considered by the Oregon lawmakers for endorsement: one via eastern Oregon and Salt Lake, the other via southern Oregon and the Humboldt River in Nevada. A joint memorial on the route of the railroad west of the Cascade Range was drawn up, and on motion of Mr. Cox three hundred copies of the resolution were printed. The text as recorded in the House *Journal*, 1868, shows unmistakable marks of the facile pen of Isaac Cox.[18] The flowery style of the sixties ornaments the always powerful logic of his ideas—not quite powerful enough, however, for the alternate route to the one he favored saw the railroad first.

Among other activities during the session Cox introduced a bill making permanent insanity grounds for divorce and a bill regulating marks and brands; and he was appointed a member of the committee to make a report on a monument erected over the remains of the Hon. Samuel Thurston.

During Isaac Cox's political career the county seat of Josephine County was Kerbyville. Later the boundaries of the county were changed and the county seat removed to a younger town in the annexed section, Grants Pass. In June 1941 I visited this thriving little city and with the aid of a local historian, Mr. James T. Chinnock, endeavored to find traces of Cox's life. Only the slightest record of his activities remains, and there was no local knowledge of his literary efforts. The city librarian also was helpful in the search, as were county officials who aided in a search of county records. People by the name of Cox owned land near Bush's Mill, Waldo, but Isaac was not recorded as a land owner in the sixties or later. It would seem that he used his land rights in California before removing to Oregon.

The *Sentinel* gives a final glimpse of Isaac Cox in its issue of April 3, 1869. This is a reprint from an exchange, the Salem *Oregon Unionist:*

> Fractured—A few days since, Hon. Isaac Cox, member of the last Legislature from Josephine County, started home and had gone about five miles when he was thrown from the horse by a stumble of the animal. His foot hung in the stirrup, and he was dragged through the mud by the horse, whirling rapidly around. Mr. Cox received severe bruises on his shoulders and arms, having the small bone of his leg below the knee, broken. He was brought back to the city and is now stopping at the Union Hotel. Drs. Carpenter and Peyton are his attending physicians.[19]

This is the last word of Isaac Cox I have been able to find in Oregon newspapers. Further search may reveal additional information. The Democratic convention of Josephine County for 1870 ended in a row, so says the Republican *Sentinel.* Isaac Cox was not re-elected and he dropped from the public eye. None of the published histories of southern Oregon counties makes mention of the doughty Isaac save to record his election in '64, '66, and '68.

From 1870 until 1892 there is not the slightest scrap of information concerning Isaac Cox. Whether he continued to reside at Waldo or whether he returned to relatives in Illinois I have been unable to ascertain.

The Oakland *Tribune* of February 16, 1941, in an editorial commenting upon the second edition of *The Annals of Trinity County*, recorded that a purported granddaughter of Isaac Cox was once a pupil in an Oakland school and displayed to her teacher, Miss McGillivray, a copy of a first edition of this rare work. All efforts to locate this young woman have failed, but it is certain that Miss McGillivray, herself a descendant of a Trinity County family, saw a hitherto unrecorded copy of the *Annals*, of which but six are known today.

On a visit to the library of the University of California to inspect its copy of the original edition of *The Annals of Trinity County*, I thumbed through the catalogue and was surprised to find an adjacent card listing *The American Safeguard*, published at Santa Rosa, California, in 1893, of which the author was Isaac Cox.[20] This was a Library of Congress card, indicating that at least one copy, perhaps two, was filed in Washington, D. C. Examination of this second edition proved that it was indeed another product of the industrious Isaac. It is printed on a better grade of paper than the 1867 edition, is nicely bound and contains substantially the same table of contents and identical text. Records showed that this book had been purchased from Mr. Harold Holmes.

The Santa Rosa *Democrat* was listed as the printer of the 1893 *American Safeguard*, so I visited that city in an effort to find news of Cox but met with disappointment. The present publisher of the *Democrat*, himself the author of a history of Sonoma County, knew nothing of Cox. He was most helpful in efforts to find the slightest trace of him but to no avail. The files of the *Democrat* for the 1890's were destroyed in a fire in April 1906, at which time newspaper files of the Santa Rosa Library, at the *Democrat* job printing plant for binding, were also destroyed. Through Miss Caroline Wenzel the files in the California State Library were combed, but not the slightest mention was made in the columns of the *Democrat* of 1893 of Isaac Cox, nor of the book which that firm printed for him according to the title page. Miss Wenzel suggested search of the *Great Register of California Voters*, and here progress was made. In the Sonoma County Register for 1892, page 95, appears this entry:

ISAAC COX, P.O. Address, Santa Rosa
Age 62
Native of Maryland
Occupation: farmer
Place of residence: Santa Rosa Pct. 5
Date of registration: Sept. 7, 1892

Search through the Sonoma County Records in the Court House added that Isaac Cox was 5 feet 8½ inches tall, complexion dark, eyes blue, hair grey. Also recorded was the fact that he had no scars, which would indicate that he fully recovered from the effects of the broken leg sustained in 1869.

The next news of Isaac Cox was found in the columns of the *Daily Republican*, Santa Rosa:

"An inmate of the county farm named Cox died Saturday from heart disease. The deceased was a very old man."[21]

The department of vital statistics of Sonoma County corroborated the identity and added this:

"July 16, 1898, aged 73 of hyperthyroid heart died at the County Hospital, Isaac Cox."

The place of burial was not given, nor the names of any relatives, but indications point that the body was interred in the county plot. I visited the new county hospital in an effort to search through documents for further information, but the records for 1898 had long since been destroyed. Inquiries of a number of old residents of Santa Rosa produced no recollections of Isaac Cox, and visits to numerous families named Cox were equally fruitless.

The *Pioneer* of San Jose at this time, 1898, was edited by R. A. Thompson, formerly of Santa Rosa, and during July and August of this year he published three obituaries of Sonoma County residents with historical information, but there was no mention of Isaac Cox.

Obscurity claimed Cox for many years. It is hoped that this account of a journey on his trail may produce further information concerning this pioneer historian.

NOTES

1. The particular Cox family of which Isaac was a member favored the names Jacob and Isaac, but it is difficult to determine which of several Jacobs and Isaacs was the father of our Isaac. The Federal census of 1790 lists an Isaac Cox under heads of families in Talbot County, Maryland. There were then two males in the family over 16 years of age and three under. The Illinois census for 1820 shows that an Isaac Cox resided in Bond County and that there were three males over 21 in the family. The Federal census for the same year also lists this family.

2. Harry Lorenz Wells, *History of Siskiyou County, California* (Oakland: D. J. Stewart & Co., 1881), pp. 116-17.

3. Isaac Cox, *The American Safeguard or The Constitution of the United States with Its Political History, also Containing a Brief Treatise on Political Economy, with Quotations from the Early Presidents, and Parliamentary Rules* (Salem, Oregon, 1867), p. 172. This was "Entered according to the Act of Congress in the year 1867 by Isaac Cox in the office of the District Court of the State of Oregon."

4. Isaac Cox, *The Annals of Trinity County, Preface by Caroline Wenzel, Introduction by Owen C. Coy, The First California County History, by George D. Lyman, M.D., Annotator's Foreword by James W. Bartlett* (Eugene, Oregon: Printed for Harold C. Holmes by John Henry Nash, 1940).

Dr. Lyman writes (pp. xviii-xix): "Just who the author of *The Annals of Trinity County* was no one today knows. From deeds recorded in the records of Trinity County we are convinced that in 1857 he was a property owner. And from the concluding paragraph of his book we perceive that he nourished a yen to write the annals of the 'fair and thriving Siskiyou.' Aside from these two definite facts we are aware of many things about Isaac Cox. His personality crops out unexpectedly in many paragraphs. He had a useful fund of knowledge. He aimed to be truthful and honest. He despised deceit. Perhaps he was the village schoolmaster, but more probably he was a newspaperman. Perhaps Judge James W. Bartlett in 1926 summed up Cox correctly in his *Annotations* when he wrote, 'his work bespeaks a scholar, observer and thinker, an admirer of what was good and true and beautiful both in nature and among his fellows.' "

5. *Guide to the Manuscript Collection of the Oregon Historical Society* (Portland, Oregon: Federal Works Agency, Work Projects Administration, 1940), p. 6.

6. Oregon Legislature, *Journal of the House of Representative*, 1864, 3d reg. sess., p. 250.

7. Information from Oregon State Library.

8. William Pierce Tucker, "Social History of Jackson County," *Oregon Historical Quarterly*, XXXII, 4.

9. Jacksonville *Oregon Sentinel*, September 22, 1866.

10. *Ibid.*, October 20, 1866.

11. *Ibid.*, December 22, 1866.

12. This and the preceding sentences were not included in the review but are from the book itself.

13. Portland *Oregonian*, June 7, 1867.

14. Harvey W. Scott, born February 1, 1838; died August 7, 1910; became editor of the *Oregonian*, April 17, 1865.

15. *Oregonian*, June 22, 1867.

16. *Oregon Sentinel*, August 29, 1868.

17. *Ibid.*, August 22, 1868.

18. Oregon Legislature, Memorial No. 2, *Journal of the House of Representatives*, 5th reg. sess., 1868, pp. 55-60.

19. *Oregon Sentinel* (from *Unionist*), April 3, 1869.

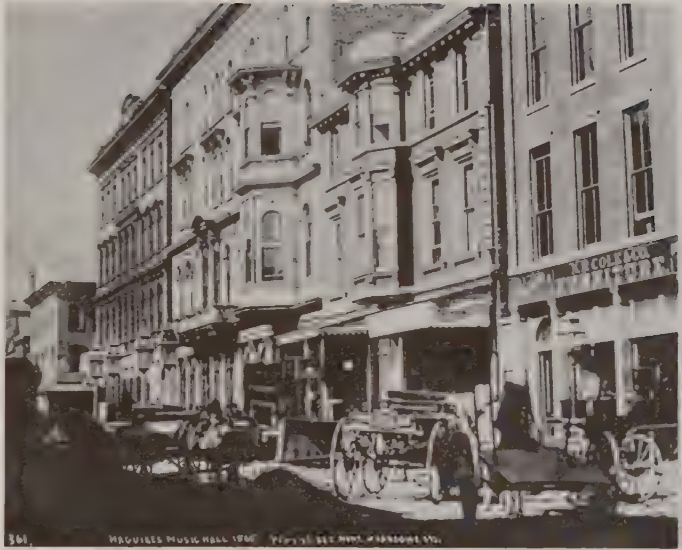
20. Isaac Cox, *The American Safeguard, or the Constitution of the United States with Its Political History, also Containing a Brief Treatise on Political Economy, with Quotations from the Early Presidents and Parliamentary Rules* (Santa Rosa, California: Sonoma Democrat Publishing Company [1893?]). "Entered according to the Act of Congress in the year 1867 by Isaac Cox. In the Clerk's Office of the District Court of the State of Oregon."

21. *Daily Republican*, Santa Rosa, California, July 16, 1898.

THE AUTHOR

Alice Bay (McCormac) Maloney will be remembered for her articles on "The Richard Campbell Party of 1827," printed in this QUARTERLY for December 1939; "Peter Skene Ogden's Trapping Expedition to the Gulf of California, 1829-30," in December 1940; and the "Three Letters of John Gantt," in the June 1941 issue. Articles by Mrs. Maloney have also appeared in the *Oregon Historical Quarterly*.

She was born in Oregon, and with her husband, the late Michael C. Maloney, formerly published the Marshfield, Oregon, *Coos Bay Times*, and later the Santa Ana, California, *Times*. She is now a resident of Berkeley, California.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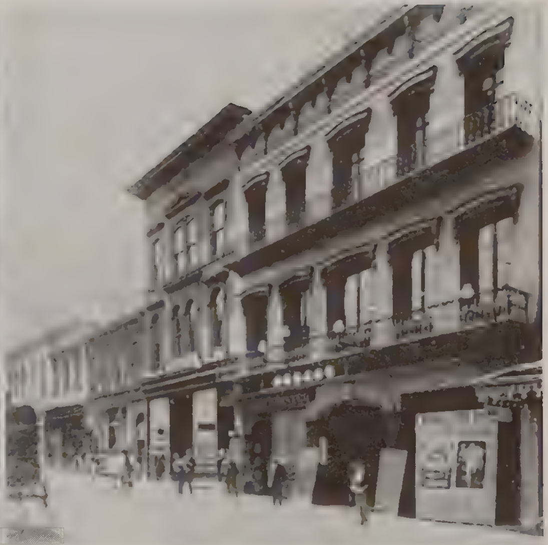

MAGUIRE'S OPERA HOUSE

From photographs in the collection of the
Society of California Pioneers

Tom Maguire, Napoleon of the Stage

By Lois Foster Rodecape

VI. FAMOUS PEOPLE

DESPITE the war, money troubles, and increasingly complex conditions in the developing State of California, public taste in the mid-sixties was still cheerfully bent toward comedy, especially on the non-theatrical stages of the day. In politics, literature, and public life the city of San Francisco was again and again rocked by delighted mirth, and Tom Maguire made no small contribution to the more informal phases of this amusement.

There was always something reminiscent of the Tammany street urchin in the "Napoleon of the Stage," as Maguire was now frequently titled. Not only was his intemperate volatility aroused by sharp-dealing business acquaintances, but inevitably the temperamental spoiled-darlings of the theatre also furnished occasional cause for fury. As a local writer put it:

> Manager Maguire is the centre toward which such an extensive constellation of theatrical stars converge, that it is *ray*-ly wonderful that he is not so dazzled and bewildered that his head spins. . . . The gravitating power must be immense that keeps so many "blazing luminaries" from flying off, and knocking the beautiful and harmonious managerial design into undiscoverable smithereens.[1]

The ascendence of humorous writers in the San Francisco of this era was not a calming influence; every personality, oddity, or misfortune which could be turned to witty account was seized upon by the voracious crowd of literary jesters who found an eager audience for their worst puns and sharpest ridicule.

It was during Mark Twain's sojourn in Virginia City that he, along with Dan de Quille (William Wright) and Joseph Goodman of the *Territorial Enterprise*, jovially brought about a disaster to Maguire's Opera House there.

When Maguire's Opera House first opened, in July 1863, Maguire and his representatives sought to cement good relations with the leading Virginia City newspaper, the *Enterprise*. Joseph Goodman, its editor, was awarded poster and program printing, generous advertising, and a permanently reserved row of seats in the Opera House for the exclusive use of his staff. All was merry, and the quips of the reporters only added to public interest in the fine new theatre. Often the three carefree reporters attended a show *en bloc*, competing for the honor of reviewing it, or selecting the high points of each man's criticism for one splendid comprehensive article.

When Adah Isaacs Menken was announced at the local Opera House, in

March of 1864, Virginia City was eager and boisterous in its desire to view the "naked lady" who had enjoyed such wide publicity and comment in San Francisco. But Goodman, Dan de Quille, and Mark Twain turned capricious: they decided that The Menken was fair game for their best humor, and were determined to take her down several pegs.

Then The Menken appeared at the Opera House and completely captivated her avowed persecutors. Joseph Goodman, as superior in command, preëmpted the happy task of rhapsodizing over her charms, and the review of her opening performance rang with effusive praise.

Instead of pleasing the Opera House players, this procedure seems to have aroused a certain resentment, which might have sprung from suspicion of a deep irony or even from jealousy. For, after the fashion of the times, the actors took it upon themselves to refer rather familiarly to Goodman and his enthusiastic review in *ad lib* "gags"—the bane and the delight of the theatre in that day. Angered in turn, the *Enterprise* reporters demanded a public apology from Charles Graves, Maguire's manager. The Menken, too, was incensed and, upon Graves' refusal to comply, she disappointed a huge audience by declining to play with the supporting troupe. The next night, relenting, she is said to have been rewarded by an effusive paean from the pen of Mark Twain.[2] Her engagement ran on, triumphantly, but at its close Graves resorted to punitive measures in an attempt to get the *Enterprise* in hand—withdrew from that newspaper all printing, advertising, and complimentary theatre tickets.

A feud developed; the *Enterprise* reporters ignored all activities at the Opera House, except when an opportunity for ridicule seemed to open. The occasional reviews of productions which the critics deigned to attend (and pay to see) were caustic to the point of cruelty, and Virginia City appearances were soon anticipated with fear and trembling by Maguire's actors. Such stars as Fanny Brown, George Pauncefort, Walter Montgomery, and Emily Thorne turned tail before the storm of abuse dealt them by the *Enterprise*, and finally the theatre had to be closed. Eventually Graves was transferred by Maguire to less troubled waters and the required apology to the newspaper was forthcoming. But Maguire and the Opera House had suffered financially and in dignity.[3]

For many weeks the house was almost continuously dark.[4] Finally Maguire relinquished it to Max Walter, whose local Music Hall had been destroyed by fire in September 1866.[5] In the early spring of 1867 Maguire sold the fine Virginia City theatre to John Piper[6] for a sum reported "not exceeding $2,500, and this, we believe, to satisfy attachments and mortgages."[7]

The disaster may have been hastened by other factors in addition to the caprice of the *Enterprise* staff; but the sequence has a dramatic character not more amazing than others in the "Napoleon's" career.

The spring of 1865 saw a similar Maguire encounter in San Francisco, though on a less grandiose scale. (Mark Twain was by then in San Francisco[8] and may also have inspired the local wits.) The occasion was the return to California of Matilda Heron (Stoepel), who had made her first local appearances some ten years earlier as a frail and lacrimose Camille.[9] Since that time, in addition to achieving a hearty and lengthy success in this play in the East and making a considerable name and fortune, Miss Heron had grown comfortably plump; the local newspapers were not slow to comment on the fact. The *Bulletin* reviewer remarked: "While growing famous, she has grown fat; and few, save for her flashing eyes and expressive face, would now recognize in her matronly fulness of person the somewhat lean and sinewy Matilda Heron of ten years ago."[10]

Miss Heron to some extent redeemed herself in the course of her engagement. She was acknowledged to be "powerful" and "almost unapproachable" in her Medea, and a subsequent series of hair-breadth sensation pieces pleased the gallery enormously. But the critics continued unkind, and critics were something to conjure with, as Miss Heron might have gathered from a welcoming verse published in the *Call* on her arrival in the city:

THE HAWKING SEASON

Lo! the fair Heron with unruffled breast,
  Invites the keen-eyed critics of the Press,
With hawk on wrist (a sharpened pen in rest),
  They wait their quarry with fell eagerness.
Will the brave Heron soar above them all?
Or, in their clutches, so unsparing, fall?
Will groundlings vote *Medea* "all a sell,"
  And flout *Camille* with loud derisive yell?
Ah! who can say? Some ten years now have flown,
Since San Francisco claimed her for its own.
Nerveless the hands that once wrote words of praise,
  And graved her merit on the roll of fame;
New faces on the actress now will gaze,
  And newer, keener pens, dispute her claim.[11]

The "newer pens" were indeed "keener"—even the "groundlings" came to temper their respect for this seasoned heroine. After suffering through the labyrinthine devices of "Edith; or The Earl's Daughter," a painful drama, Miss Heron was called before the curtain and "took occasion to administer a lecture on ill-manners to some of the audience who had indulged in an uproarious *hi-hi* fashion of calling her out 'as if she were a dog.' "[12]

All was summed up in the unkind comment of the small and short-lived monthly, *Puck:* "The public appears very well satisfied to lose Heron; the large and repeated doses of Camille to which she treated them were a little too much."[13]

Miss Heron went on tour after a too-attenuated six weeks in San Francisco, then returned in April for a night or two,[14] retiring on information that her brother in the East had died, leaving her $200,000.[15] Her grief for her brother may have been heightened by professional chagrin. To the last the critics were cruel. Her epitaph in the *Call* read:

VALE HERON

With drooping plumes and saddened eye,
Poor Heron bade our golden shores good-by.
Adipocere and age had dimmed her fame,
And left, of all her glories, but the name.[16]

Pauline Jacobson, whose undocumented recitals tend toward the heroic, ascribes to the fiasco of the Heron engagement Maguire's eventual deposition from his throne in California drama. Her addition to the tale is not without interest.

Miss Jacobson remarks that Maguire was particularly indignant on behalf of Miss Heron when a new dramatic advertising sheet ventured to lay great stress on the lady's *embonpoint.* (She refers here to the *Daily Dramatic Chronicle*, newly established in January 1865, by Charles de Young.) Miss Jacobson relates that Maguire was so incensed by the remarks made by the critic (Tremenhere Johns) that he forbade him access to his theatres and actually had him ejected after defiance of the warning.

Miss Jacobson suggests that the enmity Maguire engendered by his action at this time was the direct cause of the establishment of the rival California Theatre a few years later, and thus was indirectly responsible for Maguire's eventual downfall.[17] Certain contradictory facts tend to discredit this conclusion. The tale does, however, serve to indicate that Maguire was frequently embroiled with one newspaper or another.

Many Maguire contacts with the great humorists of the day have furnished copy for historians. Maguire was not only interested in the theatre, but tried his hand at managing musical performers as well—he engaged Paul Julien, violinist, for a month's concert tour in July of 1864, for example. At least twice in his career, Maguire also dabbled with management of humorous lecturers.

By 1863 Artemus Ward (Charles Farrar Browne) had made a name for himself in the East as a young writer and lecturer. Maguire, in keeping with his policy of maintaining a finger on the pulse of America's interests, decided to sound out the young man with regard to a tour of the West under his management. Tradition says that Maguire wired Ward in the East, "What will you take for forty nights in California?" Ward is said to have replied promptly, "Brandy and water."[18]

A recent biographer of Artemus Ward implies that Maguire was rather obtuse, that he puzzled long over the joke, which seeped into public print and resulted in his own discomfiture and much increase in Ward's local reputation. The author points out that Ward was a shrewd New Englander and that, in actuality, the famous telegram represents his "delicate" way of declining to "hire out."[19]

In the absence of any confirmatory evidence, we are justified in at least making reference to a local version of the affair, to the effect that Maguire actually engaged Ward and that the western tour was under his charge; also that, with regard to the famous telegram, "the joke was supposed to be on Maguire. He grinned and used it as an advertisement for his star."[20] Unfortunately the newspaper advertisements for Artemus Ward's San Francisco lectures do not carry the name of his manager, but simply state that he "had been secured" for fifty nights' lectures in the West.

While there is uncertainty over such details, there is no doubt that Ward's first San Francisco lecture, "Babes in the Wood," proved a tremendous success, falling as it did into the void left by Adah Isaacs Menken's temporary retirement from the local stage for upstate appearances. The lecture was first offered at Platt's Hall on November 13, 1863, then repeated at the larger Metropolitan a few nights later.[21] During the few days of his stay, Ward became the toast of the town; local minstrel troupes quoted freely from a recent printing of his humorous sketches, and the men-about-town plied him with his favorite brandy-and-water.

According to legend, Maguire served frequently as Ward's host and guide in the city. The story goes that Maguire invited the humorist to visit William C. Ralston's gorgeous bank on Sansome Street, asking Ward proudly if he would like to walk on gold. Ward is said to have replied that he would prefer to dance on it. The visitor thereupon was led to a vault paved with gold bricks and, after sampling champagne, danced an amateur jig on the glittering floor while Maguire and the onlookers whistled the air "Hop Light-Loo."[22]

Ward proceeded on his way to Sacramento and inland mining towns, then to Virginia City, where he is said to have fallen under the spell of The Menken, who was appearing there at the time, and where he also made the acquaintance of young Mark Twain, his rival in more ways than one.[23]

It was Mark Twain, again, who was an amused onlooker at another one of those epical Maguire encounters which lend spice to his history. It was September 1865. Maguire's ill-fated opera troupe was just closing its tremendously unsuccessful season at the Academy of Music; Wheatleigh had taken over the Eureka in a rival dramatic season which he later moved to the Metropolitan; "Ella Zoyara," circus performer extraordinary, was being advertised by Wilson's Mastodon Champion Circus as "the great enigma," with the query, "Of What Sex, Zoyara?"[24] (He was later revealed to be a female impersonator with wife and children.)

Maguire's Opera House found stern competition from Wheatleigh's troupe at the Eureka, and he doubtless looked forward to presentation of his new stars as a means of recouping the tremendous losses of the opera company. The first of the fall headliners was Vestvali the Magnificent—a famous "original" known for the vigor and unorthodoxy of her acting and for her displays of temperament.

Mme Felicité de Vestvali was to open at the Opera House on September 11 in the play, "Romanio; or The Beautiful Demon." On September 10, Wheatleigh announced for the Eureka Theatre another version of the same play, "Bel Demonio; or The Beautiful Demon."[25] Mme Vestvali, who specialized in male impersonations, essayed a sensational female role as Gamea, and won a certain admiration in the part. But on September 20, as Wheatleigh closed the Eureka to prepare for a grand reopening and Boucicault's "Arrah-na-Pogue" at the Metropolitan, Vestvali announced that she was ill and retired from the Opera House productions, perhaps in some pique.

Maguire took advantage of the opportunity to pay off old scores: Several nights before the opening of Wheatleigh's piece at the Metropolitan, he offered a local man's dramatization of the story from which Boucicault's play was adapted, "The Wicklow Rebel."[26] Maguire's financial reward was probably infinitesimal, but at any rate Wheatleigh had been disciplined. The edge was taken off of Tom's trick as Wheatleigh opened with a great flourish and his play extended to an unprecedented run of fifty showings.[27]

Meantime Vestvali's defection went unmourned, as two new male stars appeared on the scene: Daniel E. Bandmann, a competent Anglo-German tragedian, who opened in "Narcisse" on October 2 and later turned to Shakespearean roles; and George C. Boniface, light comedian and character actor. These two gentlemen, although unaccompanied by the usual loud ballyhoo, made a very creditable impression upon the San Francisco public. Vestvali, returning in mid-October, was advised to forego her male impersonations and sensation parts, made an acclaimed success only in such stock roles as Bianca in "Fazio" (October 10). She was soon crowded off the bills by Bandmann and Boniface, who starred alternately, then jointly, for a time. In late November Wheatleigh offered The Magnificent a Thespian haven,[28] but before that time San Francisco had been delighted by one of its favorite diversions, a theatrical scandal.

In late October, Thomas Maguire was arrested, at instigation of Vestvali, on charges of making threats against her person. The actress alleged in her complaint that Tom had addressed her "with violence and gesticulations," as a "fiend under the mask of a woman," and that he had, moreover, offered to "break every bone in her body."[29] Madame Vestvali filed suit for $30,000 to soothe her obviously wounded feelings,[30] asked that he discharge the stars employed since her engagement.[31] Tom, it is recorded, refused to answer a single proposition in the complaint, became violent, "shook his fist under her nose, used opprobrious and blasphemous epithets."[32] The case against him was eventually dismissed on his promise not to execute the threatened assault.[33]

But Maguire had not finished with the law on being rid of the ponderous Vestvali. On December 6 he was again in court on charges of public assault and battery preferred by "Professor" W. J. Macdougall, composer, teacher, musician. It seems that Macdougall had requested that Emily Thorne sing in a benefit he was organizing, that Maguire was somewhat hesitant about arranging to release her, and that Macdougall published a card which he distributed freely, stating that Miss Thorne would sing despite Maguire's endeavors to prevent it. Maguire, who resented any implication of a lack of generosity on his part, sought out Macdougall to make his attitude clear. There was a hint in some quarters that Macdougall may have provoked Maguire purposely for advertising ends; in any case, Macdougall received certain physical injuries publicly admitted, Maguire pled guilty in court and was fined fifty dollars.[34]

This last episode, coming on the heels of the Vestvali comedy, inspired Mark Twain to write a jingle for the Virginia City *Enterprise*, for which he was acting as correspondent:

Tom Maguire,
Roused to ire,
Lighted on McDougal;
Tore his coat,
Clutched his throat,
And split him in the bugle.

For shame! oh, fie!
Maguire, why
Will you thus skyugle?
Why curse and swear,
And rip and tear
The innocent McDougal?

Of bones bereft,
Almost, you've left
Vestvali, gentle Jew gal;
And now you've smashed
And almost hashed
The form of poor McDougal![35]

Maguire, at the height of a tempestuous season and perhaps feeling temporary discouragement in the face of the trials of his complicated business organization, indulged in one of his rare illnesses at Christmas time of this year, 1865.[36] But he bore no grudge against the impudent Mark Twain. The young humorist, after a now famous visit to the Sandwich Islands in the spring of 1866 as correspondent for the Sacramento *Union*, was to return to San Francisco in the fall of that year at something of a loose end. In his *Auto-*

biography, Mark Twain himself credits Maguire with the suggestion that Twain break into the lecture field,[37] and it was at the Academy of Music on October 2, 1866, that the young man made his first "brilliant success" as a humorous speaker in the Artemus Ward vein. Maguire had, for the occasion, reduced the rental of the Academy to half the usual amount.[38]

Doubtless Maguire was tickled by Twain's advertisement, which read in part:

> A SPLENDID ORCHESTRA
> is in town, but has not been engaged.
>
> Also, A DEN OF FEROCIOUS WILD BEASTS
> will be on exhibition in the next block.
>
> MAGNIFICENT FIREWORKS
> were in contemplation for this occasion,
> but the idea has been abandoned.
>
> A GRAND TORCHLIGHT PROCESSION
> may be expected;
> in fact, the public are privileged
> to expect whatever they please.[39]

It was perhaps inevitable that to a man of so colorful a character as Maguire's there should have been attached an aura of legend and anecdote. Some of these tales are difficult to substantiate, but all of them contribute, at least, illuminating comment on the man as a popular figure of the day.

Somewhat secondarily, Maguire, in the character of the *deus ex machina*, was involved in the romancings about Charlotte Crampton and her strange and brief fame in San Francisco. The tale, told by the oldtime actor Walter M. Leman in his autobiography,[40] is more or less as follows:

Miss Crampton, fresh from nursing duty in the Civil War, unexpectedly appeared in San Francisco in December of 1865, unknown, unbefriended, and unbecomingly clothed. She strolled into Maguire's Opera House one day and sat silently through a routine rehearsal until she was approached and questioned about her intrusion. She asked to see the theatre's manager, and when he came forth, introduced herself. Her name was well enough known to win the attention of members of the company. She was given a hearing, played a few fine nights, wearing costumes borrowed from the other players, and then, says Leman, threw away a clear chance for fortune, as "folly assumed its baleful power, and all was lost."

Local newspapers afford a more prosaic interpretation: Miss Crampton opened on Christmas night, played some ten evenings in a heavy repertoire.[41] Then, at the end of January, she returned, following Bandmann and the comedian Dan Setchell in his farewell season.[42] She played for a fortnight, then was quietly replaced by Sophie Edwin in the current piece, "The Irish Mother." Later press comments seem to indicate that Miss Crampton succumbed to the lure of the bottle.[43] She was mentioned occasionally with a touring company on the coast,[44] then turned up triumphantly in New York in the seventies to round out her career by garnering honorable laurels at Edwin Booth's theatre in New York.[45]

The tale is repeated here for what it is worth as illustration of Maguire's willingness to gamble in his business, or of his compassion for the unfortunate, or of his eagerness to try novelties.

Another similarly plaintive tale is that of Alice Kingsbury, the "Elfin Star." The sentimentalists draw a charming picture of the petite actress modestly approaching the handsome Napoleon of the Stage, begging for a chance to appear in his theatre.

"What can you do?" Maguire is supposed to have asked.

"I can play 'Fanchon.' " Fanchon was Maggie Mitchell's favorite part—Maggie, too, was a little woman.

"Well, you're just about the size, ain't you? All right. You can have one night at it, and if it goes, we'll see; if it don't, well you'll make some money anyhow."[46]

According to another variant of the pretty story,[47] Miss Kingsbury was charitably guaranteed $15 a week. But all versions agree that she was an immediate success, that Maguire adjusted her salary in fair measure, and that her profit from the engagement (October 10 to December 1, 1866) was immense. Figures vary between $10,000 and $18,000.

Miss Kingsbury in later years denied the more colorful details of this story.[48] She stated that she had been under definite contract to Maguire when she came to San Francisco from New York, having completed arrangements with his New York agent, John Sefton, before sailing. This tarnishes the pathos of the legendary shy little girl in her gingham gown, who leapt at a bound from poverty to riches. But the story is at least plausible in portrayal of the soft-hearted manager who "took a chance." Perhaps even the frequency of references to the fabulous romance casts some light on Maguire's skill as publicity purveyor.

Less admirable Maguire characteristics are emphasized in other legends: his hot temper, his lack of "culture," his vanity, in the matter of his theatres as well as his person.[49] One of the favorites centers about Maguire's importation to San Francisco in 1866 of one of the greatest American actors, Edwin Forrest. It seems that Maguire hailed a passing friend during Forrest's season at the Opera House on Washington Street.

"Say, coming to see the old man tonight?"

"I don't know. What's the play?"

" 'Corrylanus.' It's first rate. One of his own."

"Do you mean to say Forrest wrote it?"

"Of course he did. He kin do anything, that man kin."[50]

Though the author of this fable admits in Maguire a certain "natural faculty," he decries his lack of "book-learning," and sums him up, with surely accidental solecism, in the sentence: "He was by no means a literati."

Finally, as a last comment on Maguire, the hot-tempered, proud-postured, unlettered man of power and wealth, the following condescending anecdote of this middle period may be interpreted at will:

> The "Lucid Interval." He stood behind the last row of benches, all of which were crowded, thoughtfully pulling his mustache . . . The scene was the Washington Street Opera House, during Charles Kean's engagement, and the mustache manipulator of whom we speak, Manager Maguire, about that time christened the "Napoleon of the Stage." To him there came a couple of acquaintances and said words congratulatory on the fulness of the house, and who also praised Kean's wonderful personation of Louis XI. Maguire, whose eyes had been intently fixed on the stage, and upon the little English actor in particular, roused himself as if from a reverie, and replied:
>
> "Yes; good house—ought to be good for such acting. But," nodding toward Kean, "do you see that little fellow there?"
>
> "Hardly can help it. He is the centre of all eyes."
>
> "Not much of a figure of a man is he," continued the manager, taking a fresh pull at the end of his mustache, as if impatient at the presence of a gray hair or two. "Not much of a man to look at. And he's not rich."
>
> "Who the dickens cares what kind of a man he is, so long as he draws such houses."
>
> "Well"—apparently not heeding the remark—"I'd give all the money I ever made, all I have got (Maguire was wealthy, then), and all I expect to make, if I could take his place. I don't mean as an actor; as a man in the world."
>
> His companions stared, nudged each other, and one asked, "What's come over *you?* What would Kean be as a man in the world, if he were not Kean the actor?"
>
> Another tug at the mustache. "That's so; didn't think of that. Anyhow, I'd like to be in his place. He is invited to see the Queen of England, he is; goes and comes at all the palaces, just as he pleases. Queen talks to him, familiar like; and there ain't many she does that to, I can tell you. He hasn't much money; but money's nuthin' compared to treatment like that—"
>
> He seemed fully aroused by the subject, and was running on at this rate, when those whom he addressed, turned away with "O pshaw!" and left him. . . . He only returned to his normal condition when Bill Stevenson came up from the box office, tapped him on the shoulder, and said: "Time; goin' to count up now!"[51]

VII. DRAINING PURSE

A daring tightrope artist named James Cooke made the year 1865 memorable by walking a tightrope from the San Francisco Cliff House to Seal Rocks[1]—a feat duplicated the following year by a woman.[2] In these mid-sixties it seemed that nothing was impossible; all clouds were lined with showering gold. Ladies sailed gayly about the streets like spinning tops, and the "tilting hoop" called forth cries of "shame" from the clergy and oldsters. A lady reformer appeared on Montgomery Street, one August day in 1866, wearing a glaring green bloomer costume and was almost mobbed by excited beholders.[3] A colony of thirty or forty venturous females was reported to have been seen near Monterey—all the women clad actually in bloomers.[4] Reports arrived from New York to the effect that the women in the cast of "The Black Crook" at Niblo's Garden were horrifying Manhattan by their daring simulation of nudity; not even in Paris, it was said, could immodestly pretty legs be found in such deceptive tights.

It was in 1866 that the venerable institution of the San Francisco volunteer fire companies gave way to a professional salaried department.[5] There was agitation for an eight-hour day among workers' unions, and Maguire, friend of the man in the street, offered a benefit at the Opera House as a contribution to the campaign of the Plasterers' Protective Union.[6] The San Francisco "hoodlum" was a by-word, and the famous eccentrics promenaded solemnly through her streets.

Maguire's temporary discouragements and losses had by no means served to diminish his activity. Although he temporarily resigned his beautiful little Academy of Music to a "panorama" show, "The Hibernicon" (11,000 square feet of canvas, with lecture and music), Maguire in January 1866 was busy juggling stars at his Opera House, where he had on call Charlotte Crampton, Dan Setchell, and Daniel E. Bandmann. In February a troupe of minstrels took over the Academy, and in March Maguire spent thousands of dollars on a spectacular production called "The Seven Sisters," which brought to the Opera House the first teeming crowds to reward the manager's eye in many months.[7]

It was in May of 1866 that Maguire brought the great Edwin Forrest to San Francisco. Removing the regular stock company to the Academy in April, he spent six thousand dollars remodeling and redecorating the Opera House for the occasion: six private boxes were added, the gallery redesigned, the auditorium enlarged. Decorators renewed gold and white decorations, plastered new frescoes on the proscenium. New seats and a new ventilating system, new scenery on the stage, completed the metamorphosis of this "elegant and commodious temple of the dramatic muse."[8]

Here, to the accompaniment of applause "deafening beyond precedent,"[9] Edwin Forrest made his first appearance on May 14 before an audience representing receipts of $3,213.50, the first ticket having been auctioned to Robert J. Tiffany, hatter, for the sum of $500.[10] San Francisco seemed ready to embrace in her theatrical tradition the great triumph of the aging actor in California. Instead, Forrest made a great and expansive failure. He appeared, ranting, in tragedies and melodramas familiar to local patrons whose tastes had been formed after Forrest's heyday. Praise for his strength of delivery and characterization was tempered: his King Lear was "not peerless," his Othello was marked by "echoes of the mannerisms of the Bowery Theatre days . . . the old rant, the old stage stride, the old gurgling sound in the throat."[11] Thus the newspapers.

But the fashionables of San Francisco engaged box seats far in advance of announced plays, and the six weeks of controversy excited much interest. At the end of this period, after running through a long repertoire of heavy dramas, Forrest announced that his "impaired health" forced him to interrupt his engagement for a rest at The Geysers. He later successfully petitioned Maguire to relieve him of the balance of his contracted appearances, and returned east, rather quietly, in October.[12] It is said that Maguire had lost $10,000 by the engagement.[13]

Doubtless the jibes of critics, the difficult San Francisco climate, the awed but not worshipful audiences, the difficulties of playing with a strange company probably ill-rehearsed in the demanding schedule of pieces, all contributed to Forrest's disgruntlement. His famous temper is mentioned in a parting shot published in the *Call* of July 8, after his retirement:

COMPENSATION

Though you have raged at "sticks" and "guys"[14]
In tones that might have been much nicer,
You'll find (what medicine to you denies)
Your greatest blessing in a *gey-ser.*

Forrest had brought with him to San Francisco two supporting players, Miss Lillie[15] and John McCullough. The young man was permitted to play featured parts on Forrest's weekly nights of rest and had won favorable comment as a promising actor. Maguire was impressed, suggested that McCullough remain as leading man with his Opera House company.

"You can't pay me what I can get in New York," McCullough is said to have rejoined.

"Who said anything about pay?" demanded Maguire. "How much do you want to stay?"

"One hundred and fifty dollars a week," answered McCullough.

"All right," said Maguire.[16]

So the astonished young fellow was established in San Francisco, where he was to mature as an actor and theatre manager and, eventually, become one of Maguire's greatest rivals.

McCullough, taking Harry Courtaine's place during one of the gay erratic's lapses, played with Kate Denin and the regular Opera House company in July. In September he supported the "original" Madame Celeste (Mrs. Henry Elliott) in an indifferent season, then in October stood by during Alice Kingsbury's amazing success.[17]

As for Maguire, meanwhile, he had two successes at the Opera House after the Forrest season. In early August Lady Don (Emily Sanders), vivacious widow of an Australian theatre manager, Sir William Don, won the city in a surprisingly prolonged season of musical comedy which continued for more than six weeks. Then little Alice Kingsbury, she of the Cinderella legend, stepped into prominence.

At the Academy, affairs were less cheerful: the Howson English and Italian Opera Troupe drew only fairly well during the summer, appearing in competition with a Bianchi opera season at the Metropolitan. In the fall the two troupes, under other management, alternated for a period in heavy and light opera at the Metropolitan, while Maguire brought a minstrel troupe to the Academy. Another scandal resulted: one of the minstrels, Billy Sheppard, had been involved in the killing of a Virginia City worthy whose friends stormed the pretty Academy in protest at his opponent's appearance.[18] After this culminating misfortune, Maguire finally leased the house to Max Walter for a brief period.

In the summer of 1866 Maguire again became embroiled in one of his serio-comic legal battles. The controversy had its origin in a fire which did a considerable amount of damage to the Metropolitan Theatre—indeed, almost destroyed Maguire's Opera House as well. The smart-aleck little dramatic program-paper, the *Daily Dramatic Chronicle*, established in January of 1865, had acquired an early reputation for ribald and biting comment. This little sheet slyly suggested that the burning of the United States Court Block might be explained by some questioning of "the party most directly interested in procuring the destruction of the Metropolitan Theatre."[19] Maguire's friends, indignant, urged him to action, and on August 1 Tom inspired the arrest of the publishers of the *Chronicle*, Gustavus and Charles de Young. A week later he appeared in court, testifying that he had read the offending article.[20] He was, he said, ill at the time. He had not been on good terms with the defendants in the past; had advertised with them once for a few weeks, but had cancelled the service when the *Chronicle* failed to live up to certain agreements. . . .[21] The suit was soon dismissed, but Maguire's standing quarrel with the little sheet continued to flare into publicity now and then. A month later the *Chronicle* was delighted to record the "disgraceful scene" which occurred at the Academy of Music on Billy Sheppard's appearance.[22]

The lurid little *Dramatic Chronicle* was later opposed by a similar sheet called the *Daily Critic*, established in September 1867. There was lively warfare between the two rival papers, which were bitterly partisan, each defending, with a fervor occasionally physical, the merits of its patron houses and rights of distribution therein. The daily circulation of these little papers amounted to as much as seven thousand free copies each per day. They were passed out as programs in theatres and as handbills on the streets. At certain periods both publications were distributed simultaneously in disputed houses, with resultant confusion and acrimony among the ushers and attendants.

A historian, writing of the little precursor to the present *Chronicle* newspaper, states that the *Critic* was "started by the irate manager [Maguire] to defend himself."[23] Perhaps Maguire did contribute silently to the *Dramatic Chronicle's* rival, although he was in New York at the actual date of establishment. At any rate, the *Critic* was favored as a house program in Maguire's houses, and not until the two papers had changed names and finally combined as the *Figaro* did the bickering cease.

In December of 1866 Maguire was to receive the impulse which directed him into a new field of enterprise. At this time he monopolized, for what it was worth, the legitimate drama in the state. Nevertheless, the Opera House in San Francisco was suffering the effects of competition: At the Metropolitan the Martinetti-Ravel troupe currently offered an avid public the spectacle-pantomimes of their large repertoire,[24] augmented in interest by the comedy of young Willie Edouin and the music of the Howsons.[25] (The Olympic and the Bella Union furnished variety shows to less discriminating patrons, but the American was almost forgotten and two "museums" showed only novelties and freak exhibits.)

It was on this scene that a new theatrical fashion dawned, inappropriately from the Far East. It originated in a visit of Thomas F. Smith to Japan in the fall of the year, perhaps with one of the adventurous theatrical companies which occasionally carried Occidental drama to the Orient. Smith saw and applauded the talents of Japanese acrobats and tumblers, determined to import a troupe for American astonishment. Since there was an imperial ban on emigration of Japanese, Smith was forced to petition the Japanese government in the matter. It was arranged by contract that he was to take the acrobats on tour for a period of one year, guaranteeing to return them to Japan in good order at the end of that time. Moreover, he legally adopted the little star of the troupe, a Japanese boy who came to be known in the United States as "Little All Right."[26] So in October 1866, Mr. Smith sailed from Japan, blazing a path soon familiar.

On December 10, 1866, Maguire augmented Lady Don's already familiar repertoire by tentative booking of the Japanese troupe as a secondary attraction. The public immediately demonstrated an amazement and curiosity which indicated that the Orientals were to have a marked success. The next night Maguire moved them to the Academy of Music, which boasted a higher proscenium than that at the Opera House. The Academy blossomed in a late glory of financial respectability. Maguire paid Smith $10,000 for rights to the attraction.[27]

On January 7, sending the No. 1 troupe to Sacramento, Maguire showed a second Japanese troupe, "The Imperials," at the Academy. The second group, made up of twenty Japanese men and women managed by Professor Richard Risley, was said to surpass the first in skill, legerdemain, and athletic daredeviltry.[28] This group remained at the Academy for three weeks, but after only a few days Maguire bought an interest in the Risley show also. His active impresarial imagination was at work: too long he had been importing novelties from the eastern states; now he would invade them with novelties of his own. Maguire announced his early departure for New York, via Panama, accompanied by his wife, and the two Japanese companies.

The "profession" joined enthusiastically in a farewell benefit for the engaging Tom. The *Call* reporter commented that the occasion was "the grand success of the season. The fashion and beauty of the city crowded the auditorium, and many had to leave, being unable to procure seats."[29]

On January 30 Maguire and his wife set sail from San Francisco for Panama on the steamship *Constitution*.[30] The farewell scene must have touched the couple with pride and sentiment. A large band assembled and "discoursed a harmonious farewell."[31] A final note of hilarity marked the departure. It happened that Senator James W. Nye of Nevada, the "Gray Eagle of Liberty," was sailing also on the *Constitution*. Accustomed to the receipt of honors, having been the first governor of the Territory of Nevada, he was not surprised nor displeased to hear the farewell serenade, which he appropriated proudly to himself. Appearing on deck in his "historic white hat" during a selection from *La Traviata*, Senator Nye bowed repeatedly in gracious acknowledgment. Suddenly someone called lustily for "three cheers for Maguire." The senator "was brought to a perpendicular very suddenly" and hastened below to attend to his luggage. The *Call's* ship reporter did not conceal his glee in relating the little misadventure.

Leaving his Opera House and the Academy of Music in the hands of Charles Tibbetts, Maguire planned a dual Japanese campaign in eastern cities. The two companies of acrobats were to be handled separately. Maguire had arranged for a Japanese named Yo Shida to return to Japan for additional talent.[32] All San Francisco was aroused by the financial possibilities of the venture, and on the same Orient-bound ship, which sailed on March 1, several other local gentlemen eagerly set out to secure new Japanese troupes for their own exploitation.[33]

As for Maguire's eastern venture: He arrived in New York to find the main theatres fully engaged.[34] Deciding to move into the provinces, Maguire sent one troupe to Boston, where they opened on April 3 at Tremont Temple.[35] The second, or Imperial, troupe played to "standing room only" at the Academy of Music in Philadelphia.[36]

The first company, managed by J. B. Marshall, traveled from Boston to Nashville, Tennessee, to Providence, Rhode Island, and other points on the eastern circuit.[37] Meanwhile the "right wing" or Imperial Company, after visiting Baltimore and New Haven, finally made their debut at New York's recently completed Academy of Music on May 6. They met with "immense success,"[38] and the "left wing," too, was playing to big business in Chicago. Such news continued to electrify San Franciscans.

Maguire "carried New York by storm."[39] Legends of his colorful career were repeated gleefully in that city.[40] It was said that Maguire had offered to pay $400,000 for the new Academy of Music in New York, then only a few months old, but the board of directors was hesitating.[41]

"Little All Right" of the No. 1 troupe of acrobats opened at the Academy on July 1.[42] He was immediately the idol of the patrons, and many were sad when he was injured in a fall during a performance.[43] There was some controversy as to whether All Right had died and been replaced, or had quickly recovered, or had not been hurt at all. Maguire offered a wager of $10,000 that All Right was well and happily performing.[44]

In August, Maguire had a dispute with All Right's uncle, Foo-Choo-Matz, who was anxious to return to Japan but had, perhaps unwittingly, been persuaded to sign a contract for further services. Maguire accused the Japanese gentleman of accepting his money ($3,500) under false pretenses,[45] and was reported to have caused the arrest of members of the company.[46] Finally it was announced that Maguire had compromised with Smith and the Japanese, accepting a $15,000 payment from Smith for his interest in their talents.[47]

Meantime, after several delays, the Risley troupe of Japanese had sailed in mid-July for France, where an Exposition was in progress.[48] A London correspondent of the *Call* wrote from England in August:

> THE JAPANESE IN PARIS
>
> For many weeks the walls of Paris have been covered by Maguire's announcement bills. Parisians were informed that many causes delayed the visit of the famous Japanese troupe. A large circus—*Cirque Napoleon*—was engaged, a stage erected, arrangements of every kind perfected, and the most enticing colored wood-cuts displayed in the most advantageous positions. Now the troupe was delayed in New York; again, the steamer had failed to connect; still further, that the passage was boisterous, and more indulgence prayed for. At last they arrived, and Monday, the 29th of July, was the grand opening night. I am afraid the size of the audience did not come up to the expectations of the management. The receipts could not have been near expenses. . . . There are Japanese performers of every kind in the gardens of the Exhibition.[49]

Later reports were more favorable,[50] and in November Maguire himself set sail for Paris. It seemed that there had been some financial difficulties at the *Cirque Napoleon*, Maguire's share of the receipts being garnisheed by his creditors in Paris.[51] Another account suggests that the French Government questioned rights of Maguire's manager to collect money earned by Japanese.[52]

In December, the Risley-Maguire Imperial Troupe was booked for Her Majesty's Theatre in London, but that house was destroyed by fire on December 6, leaving the lessee, J. Henry Mapleson, bankrupt, and Maguire the loser of £750 advanced for rent and other purposes.[53] The company tried the English provinces while Maguire withdrew from the disastrous affair.

On March 23, "T. Maguire and lady" arrived in San Francisco from Panama on the *Golden City*.[54] They were serenaded (they lived over the Opera House) on the next evening by the Opera House orchestra. The *Dramatic Chronicle*, Maguire's traditional enemy, acknowledged that he had returned "as fresh and youthful as ever," but volunteered the information that his losses during the period of his absence had probably been no less than $40,000.[55]

Maguire had left his California theatrical affairs in the hands of a long-time associate, Charles Tibbetts. Despite later appearances, this probably was as wise a choice as Maguire could have made from the men available. The management of two theatres, one seemingly under a jinx, and the maintenance of a system of touring attractions through the state, even though Maguire himself took care of star contracts in the East, was certainly a test of any man's ability and temper.

Tibbetts retained the Opera House stock company on the boards, sponsored an unfortunate dramatic season at the Academy for a short time, then offered the magician, "Martin the Wizard." A month after Maguire's departure, Tibbetts became involved in a controversy worthy of his master.

The autumn of 1866 had been made glorious in American theatrical annals by the production in New York of the play "The Black Crook," a spectacle-drama characterized by lavish display of ladies in tights. A New York correspondent of the San Francisco *Call* commented on the show: "I have never seen females on the stage, even in Paris, approach in dress quite so close to a state of nudity."[56]

As the spectacle continued to draw crowds of gapers, there was loud denunciation of the "leg show" craze from pulpit and parlor, but the piece continued at Niblo's Garden for months, and by its 250th performance in May 1867 had netted $300,000.[57]

San Franciscans had heard a great deal about this famous show, and managers were eager to reap profits from its nationwide notoriety. On March 12 there appeared in the San Francisco *Bulletin* an advertisement for eighty young ladies to play in the piece. On March 25 the Opera House countered by advertising for one hundred young ladies! Even the Olympic announced preparations for the same show. The Opera House was first at the tape, opening on April 15 with a cast including: Sallie Hinckley, Harry Jackson, Sophie Edwin, Willie Edouin, Mrs. Marietta Judah, Olivia Rand, Rosa Siegrist, Emma Miles, and a ballet of fifty. The production was "the rage of the week,"[58] staged with lavishness of scenic effect and nether display. The discriminating reporter of the *Dramatic Chronicle* commented: "The display of legs is such that all tastes must be pleased whether they incline towards the substantial supports of the gigantic elephant or the slender and graceful upholders of the slim and elegant crane."[59]

On April 20 the Metropolitan show opened under the title, "The Black Rook," starring the Howsons and Martinettis, Miss Jennie Parker, and an "almost perfect" ballet.[60] The Olympic Theatre play, brought out on the preceding evening, was titled "The Black Hook with a Crook" and was guaranteed to be free from injunctions.[61] For by this time the show had been more than thoroughly advertised by a succession of accusations and counter-accusations of the managers.

According to a rumor repeated in the *Chronicle* of March 23, an old stage manager, at the moment unemployed, had some time earlier been engaged by the Metropolitan Theatre management to copy players' "parts" from the manuscript of "The Black Crook" in their possession. This gentleman, James Dowling, was reported to have made an unauthorized copy of the play and approached Tibbetts with it. The report was that Tibbetts paid $100 for the pirated manuscript.

On the day after opening of the Opera House version, the Metropolitan management petitioned for an injunction[62] restraining the Opera House from producing "The Black Crook," or at least the Martinetti version of it, which was declared by them to be an entirely original piece, not related in plot to the Barras spectacle in New York. The Opera House, reinforced now by a telegram from Maguire saying that he had arranged to take over California rights to the spectacle,[63] in turn asked for an injunction against the Martinettis.

The scenes at the hearing were described by local reporters in considerable glee: The Metropolitan managers, now definitely referring to their own piece as "The Black Rook" to avoid difficulties with eastern copyright-holders, accused Tibbetts of "pirating" their show.[64] Tibbetts declared that he had obtained his copy from the dramatic agent, John H. McCabe, of San Francisco,[65] in all good faith, and that he would sue the Martinettis if they presumed upon his rights. A succession of theatrical witnesses served to complicate the issues.

The decision of the court, published on April 20, was reported throughout the country. Judge Matthew Paul Deady pronounced himself of the opinion that "The Black Rook" in the Martinetti version was so similar to "The Black Crook" as described by those witnessing the New York production that it seemed apparent the former was a "piracy." The delicate question of Tibbetts' culpability in pirating this alleged piracy, complicated by subsequent proof of Maguire's legal right to the original piece, was accorded some judicial consideration. At some length, the judge expressed his weighty disapproval of the corruptive spectacle, and pronounced judgment to the effect that the piece under dispute was not even subject to copyright, since "It cannot be denied that this spectacle of the *Black Crook* merely panders to the pernicious curiosity of very questionable exhibitions of the female person."[66] Both injunctions were refused.

However spurious the version produced in San Francisco, it drew good audiences for some weeks. Of the two productions, that at the Opera House boasted finer scenery, but the Metropolitan had a far superior ballet and, indeed, outlasted the Opera House offering by more than a fortnight.[67]

The fortunes of the Opera House improved during the summer of 1867, Edwin Adams achieving a financial and artistic success[68] which in a measure compensated for the failure of Helen Western during an earlier season in May.[69]

At the end of August, Tibbetts again came to blows with the Metropolitan managers, disputing rights to the play "True to the Core," to which Tibbetts declared Maguire owned local rights. Frank Howson of the Metropolitan insisted that the piece, being English, was not capable of American copyright. There was a scandal when the leading man of the Metropolitan, Alexander Fitzgerald, was mysteriously—but not effectively—drugged before his second performance in the play,[70] which, despite verbal and physical protests, remained on the boards for three weeks. The primary result of this controversy was Tibbetts' withdrawal of all advertising from the too frank *Dramatic Chronicle*.[71]

During the remaining months of Maguire's absence: Dan Bryant, comedian, played a successful nine weeks at the Opera House until November; then Charles Wheatleigh in sensation drama at the Metropolitan overshadowed all other efforts through December and January of 1868;[72] and in mid-February,[73] the Opera House again scored in presentation of young Lawrence Barrett in a long season of classics which lasted until May.[74]

At the Academy of Music the record was less colorful; nothing succeeded at this little house. A new opera troupe engaged by Maguire before his departure and including Signorina Eugenia Bellini, Mme Stella Bonheur, Signor Stanislaus Milleri, as well as Signorina Elvira Brambilla and others already familiar locally, played two short seasons during the summer of 1867, with the usual unhappy effect on the treasury. On August 31, the theatre was sold to a furniture dealer,[75] the seats and fixtures being publicly auctioned in September. Even the *Dramatic Chronicle* regretfully catalogued the disposition of items in the sale:

> This beautiful theater is being rapidly dismantled, and will be so thoroughly metamorphosed that even the most regular and irrepressible deadheads would fail to recognize the place where so many delightful evenings were spent. On Wednesday last, the seats and other fixtures were sold at auction, of course bringing a very small percentage upon their first cost. The 54 benches in the dress circle and parquet, which must have cost about $2,400, were purchased by Samuel Tetlow at $14 each. The three iron railings, extending around the front of the dress circle, family circle and gallery, brought only $9 each. The gas fixtures, costing about $800, were knocked down to Thomas Day for $215.75, including the handsome 8-light plated chandelier, which cost $100, and was sold for $16.50. We may have larger, more convenient and more profitable theaters here in future, but perhaps never a house where the brilliant array of feminine beauty and elegant costumes can be displayed to such advantage as in the Academy of Music.[76]

It was not only in San Francisco that things went badly during Maguire's absence. The touring companies had brought more cares upon Tibbetts' shoulders. Just before Maguire's arrival in the city in March 1868, the now hostile *Dramatic Chronicle* quoted sarcastically an article in the New York *Clipper* of February 15, which had stated that "The management of Maguire's Opera House now controls all the interior theatres, Mr. Maguire being the proprietor of the Metropolitan, Sacramento, the theater in Marysville, and the lessee in Stockton, Nevada, and Grass Valley." The local paper attributed this "false" information to Maguire's agent, Sheridan Corbyn, and hastened to correct it: "The only theatre outside of the city of San Francisco over which Maguire has any control, is the Metropolitan of Sacramento."[77] Moreover, "the company now playing in Sacramento *have sunk* about $5,000, since the commencement of their engagement."[78]

In any case, there was managerial trouble in Sacramento, in January 1868, involving Charles L. Graves. Long employed by Maguire in various western houses,[79] Graves was dismissed and accepted a job with a rival theatre chain developed by Henry Edwards, Frank M. Bates and James H. Vinson of the San Francisco Metropolitan Theatre.[80] The days of Maguire's unchallenged monopoly of the Gold Coast circuit were over.

To top the list of drains on Maguire's pocket we might note, too, certain threatened losses more or less personal. In the summer of 1867, Augustin Daly was challenging Maguire to legal action following Maguire's allegedly unauthorized production of "Griffith Gaunt" (the *Dramatic Chronicle* ruefully advised Daly that he would "find it up-hill work to fight Tom Maguire, as we know from experience").[81] Soon after, Charles Gaylor threatened Maguire with suit for similar infringement of copyright.[82] Neither of these suits developed immediate results—but the threats remained on Maguire's financial horizon, and lawyers in New York were busy in his behalf.

In early October of 1867, New York and San Francisco noted with amusement that Maguire and a convivial friend, proceeding homeward[83] at two o'clock in the morning, were victims of an attempted holdup at Broadway and Eighth Street in New York. Maguire was reported to have had $3,000 and a valuable gold watch on his person, and to have routed the robbers by shouting for a police officer.[84]

Still, Maguire's homecoming was cheerful. Even the *Dramatic Chronicle* unbent to a degree:

> The bitterness that used to exist between the rival managements of the Opera House and Metropolitan Theater seems of late to . . . succumb to a more liberal spirit. Since the return of Mr. Maguire from abroad, he makes a practice of visiting the Metropolitan, witnessing the performances, and good naturedly bantering the rival management on the comparative merits of their company and his.[85]

VIII. LIKE PHOENIX . . . FROM THE ASHES*

When Tom Maguire returned to San Francisco in March 1868, the city was about to enter upon a new era, in theatricals as well as in finances and society. One of the most important contributory factors in the changed regime was the transcontinental railroad, which was to be completed in the spring of 1869 and was already promising a new life in the West. The days of isolation, of pioneer self-sufficiency and pride, were to end; California was to lapse to a position approximating that of other states: gone the fable of the distant utopia, the perpetual carnival, the delusion and glory.

San Francisco was, of course, growing constantly and blusteringly. The ladies prided themselves on their rising standards of culture and refinement and changed from hoopskirt to pannier, or bustle, as fast as the best New Yorkers, aping that monstrous posture developed to go with their new Paris costumes—the Grecian bend. The men built bigger and better mansions, amassed fine solid-sounding fortunes, gambled flippantly in silver stocks, as new mines opened in White Pine and elsewhere.

As for the theatre, the old solid "classics" of the stage were being overridden by the "sensation school" of drama,[1] and opera bouffe was insinuating itself into the scene. There was a great deal of talk about new theatres, new managers, new policies in San Francisco's amusement world. Times were changing in a restless upheaval of interests and contacts and ambitions.

The old American Theatre was destroyed by fire in the month before Maguire's return.[2] Several new houses were replacing it, though to cater to a less dignified clientele. The profits of the Temple of Music, opened in the fall of 1867 by Harry Leslie, Henry Raynor and William H. Smith for minstrel shows,[3] had encouraged capitalists to glorify the variety show by erection of a fine new burlesque house on Bush Street, the Alhambra. This theatre opened in May[4] and was the first of the "minor" houses to approach the receipts of the "major" houses in the city, its first five weeks of business bringing in the fine sum of $19,000.[5]

More serious competition for Maguire was afoot. The capitalist Ralston, of the Bank of California, had turned his attention to artistic patronage. From under Maguire's very nose, he snatched Lawrence Barrett and John McCullough, persuading them to accept the management of the California Theatre, not yet materialized.[6]

Maguire himself had been talking about building a fine new theatre farther south, and it was reported that he had actually leased a lot in May 1868, although the matter was dropped because of difficulty in lining up financiers for the venture.[7] Again, in December, Maguire made new overtures in this direction,[8] but the California Theatre was just ready to open gloriously, and Maguire stepped back to see how matters would develop.

Meanwhile, during the summer of 1868 Maguire entered into one of the most disastrous of all his unfortunate operatic ventures.

An advertisement in the *Call* of April 28 informed the public that "Mr. T. Maguire takes pleasure in informing the patrons of HIGH ART in San Francisco that while in the Atlantic States he succeeded, at an ENORMOUS EXPENSE, in effecting an engagement with that GREAT LYRIC ARTISTE, MADAME PAREPA ROSA . . ."

Madame Euphrosyne Parepa-Rosa was indeed considered to be one of the greatest operatic stars of the era. She was distinguished by a figure like a barrel—she weighed 250 pounds or more[9]—and a voice like an angel's—with a range of three octaves. Her visit to San Francisco was made memorable by the fact that, in the midst of a preliminary concert series, she was incapacitated here for some time by an attack of the measles![10]

For the Parepa-Rosa opera season, Maguire took over the Metropolitan Theatre. Here the great prima donna opened on August 3 in "El Trovatore." At the end of a brilliant season of two months, the *Call* congratulated Maguire on his contribution to San Francisco's pleasure, but offered sympathy to the "Napoleon of the Stage" in the matter of his own losses. The critic's summary of the season, and of Maguire's career as an opera manager, is concise and to the point:

> The close of the Parepa-Rosa opera season suggests to us some reminiscences of the history of opera in this city, and of Mr. Maguire's connection therewith. . . . We need not say how pluckily he has met this financial strain. It is the admiration of our public, who are generally cognizant of the facts. Let us review his enterprises in the operatic line, all of which, with the exception of the first, show a balance on the wrong side of the books:
>
> 1.—The Lyster-Squires-Escott Troupe
> 2.—Madame Biscaccianti
> 3.—Bianchi and Troupe, from Australia
> 4.—Sconcia and Troupe, from Europe
> 5.—Richings and Troupe, from New York
> 6.—Combination of the Sconcia and Brambilla-Morelli Troupes
> 7.—Stella Bonheur-Limberti-Bellini Troupe from New York; and
> 8.—Parepa-Rosa and Troupe
>
> The season of the last-named is just about closing, and though wonderfully successful in the gross, the receipts reaching nearly $50,000, Maguire's balance sheet shows a loss of from five thousand to six thousand dollars. His total loss by opera, in ten years, has exceeded $120,000, independent of the loss he sustained in building the Academy of Music. . . .[11]

It was noted with some sarcasm in local columns that Madame Parepa-Rosa and her husband Carl Rosa cleared in California a substantial sum variously estimated as between $10,000 and $20,000.[12]

Indeed, the fortunes of Maguire's enterprises in the fall of 1868 appeared very low. In October he was reported to have leased his Opera House to Sheridan Corbyn, and rumors were spread that he was thinking of sailing for Europe.[13] Tom's name continued in Opera House advertisements, however, and his retirement proved to be temporary, if not fictional. The sprightly and sharp-spoken *Dramatic Review*,[14] always unfriendly to Maguire, prophesied dourly:

> As a first-class place of amusement the fortunes of the Opera House are incontestibly on the wane. Nothing short of a miracle of a *coup d'etat* will serve to keep that establishment on its legs after the opposition enterprises that are rapidly maturing shall have wheeled into line. . . . Thomas Maguire has made a hard fight to maintain his supremacy as the "Napoleonic Manager" of the Pacific coast; but his Waterloo has come. . . .[15]

Maguire had not yet entertained thoughts of defeat, but matters must have looked black as the magnificent new theatre, the California, opened on January 18, 1869.

The California Theatre, located on Bush Street, some blocks south and west of the old amusement section where the Opera House and Metropolitan stood, was a fine arts project sponsored by some of the newly rich financiers of San Francisco, and particularly William C. Ralston, as we have noted. Despite an immediate and long-sustained artistic success, the theatre eventually proved to be as expensive as a prolonged opera season. But Ralston for some years stood ready to contribute to make up any deficits, and the lavish expenditure in all departments continued under managers actuated by aesthetic rather than economic ideals. This was indeed serious competition for Maguire and other promoters who were inclined to consider the theatre in the light of a gamble for large stakes, rather than as a monument to expensive beauty.

Maguire was doubtless on hand for the opening of the California. Lawrence Barrett read Bret Harte's poetic "opening address," and John McCullough led a fine new cast in "Money." Ladies in sweeping silk gowns and shoulder curls posed beside gentlemen in full opera costume, stared enviously at rival toilettes, applauded delicately, and exclaimed over furnishings, chandeliers, stage sets, and drop curtain.[16]

Maguire was perhaps inspired now to forsake the legitimate drama, in which field he could not hope to rival the fresh glory of the California. In February, Maguire advertised Professor A. Hartz, "illusionist," and then a variety-minstrel company. By May the Opera House was again in fine fettle, with Johnny Mack leading the Murphy and Mack Minstrels through a series of original burlesques of the long-nose legitimate pieces current at the California. Said the *Call* on May 23: "Manager Maguire is becoming every day more assured of his success; and some fine morning the 'Old Drury' may put forth announcements that the legitimate, in its most attractive form, has reassumed the stage."[17]

And finally, in the fall, Maguire did again bill several stars of the "legitimate" imported for short engagements.

Maguire was beginning to rebuild his statewide contacts and once more sent shows on tours of the interior.[18] He also built, or contributed to the financing of, a theatre in the new boom district of White Pine, specifically, at the corner of Treasure and Dunn Streets in Hamilton City.[19] Maguire's interest in the house was probably soon disposed of, as there seems little further evidence of any connection with the theatre after its erection.[20]

For Christmas of 1869, Maguire brought to his San Francisco Opera House a ballet troupe featuring Mlle Marietta Bonfanti and M. Von Hamme, and at the Christmas Day matinee he passed out toys to all children who had come to see "Prince Camaralzaman"[21]—a leg show, undeniably, but a pretty one.

Meantime Maguire took over the small Mozart Music Hall, at Post near Kearny Street, opening on December 21 with the Joe Murphy and Ben

Cotton minstrels at 25¢ and 50¢ admission.[22] On December 28 Michael Bennett Leavitt, later a big-time impresario himself, made his debut at the house. According to Leavitt, who has left us a lengthy and detailed story of his life and career, he was paid $175 a week, and left Maguire to accept a position in Virginia City when "the ghost had failed to walk on time." He comments further that Maguire was not at the time well supplied with cash.[23]

Still, Maguire had many warm friends, and New Year's Day of 1870 was marked by a surprise demonstration of a type unusual even in those days of gold bricks and diamond rings for star players. After the performance on January 1, Maguire was asked to come backstage to meet certain individuals. Arrived there, he was greeted by a gleeful group assembled to present to him the compliments of the season and a thousand-dollar silver service. A presentation speech had been prepared by George J. Wight, attorney, and "was happily responded to by the recipient." The gift is described as follows:

> The service consists of a massive salver, with the following inscription: "*Thomas Maguire, from his friends. San Francisco, Cal., Jan. 1, 1870.*" Also, coffee pot, tea pot, water pot, cream ewer, sugar-bowl and slop basin. The tops of the four covered pieces are surmounted with solid silver busts, representing Shakspeare, Mozart, Milton and Beethoven. The six pieces have each a medallion, representing, in dead silver, Forrest, Setchell, Kean, Menkin, Mrs. John Wood and Bonfanti. On the opposite side is an elegantly-chased monogram of the recipient. The set was manufactured by Job M. Seaman, 631 Washington street. Accompanying the plate is a handsome-engrossed and elegantly-framed card, signed by all the subscribers to the testimonial.[24]

The list of contributors, representative of "his friends, who are *legion*," included actors, minstrels, dancers, business houses, theatre managers.

If Maguire had felt any inclination to curtail activities in the face of steady competition from the prosperous California, this more than substantial evidence of support must have banished it. Maguire, who by legend could several times have retired with a million dollars in cash, was not a man to remain in the shadow of other men's success. He was used to setting the pace to be followed and had developed an amazing ability to disregard financial handicaps.

Maguire had determined to strike out in a new direction. He saw the possibilities in the new mode of the "leg show" and retained his belief in "minstrels." Above all, he was deeply impressed by the instability of public fancy and believed in complete change of program at frequent intervals—an expensive process, but one which had served him for many years.

While McCullough celebrated a seemingly permanent tide of success which had carried him through a year of triumphs at the California,[25] Maguire in 1870 brought Rita Sangalli and her ballet from the East to play "The Black Crook,"[26] and later combined the Bonfanti and Sangalli leg artistes in spectacle pieces. At the Alhambra the Zavistowski Sisters (Emeline, Alice, and Christine) offered a rival spectacle-burlesque, the fever rising so high in the city that the California finally succumbed in March, capturing

Mlle Bonfanti and her dancers on their return from Piper's Opera House in Virginia City.[27]

But the pendulum swung back. While the California made one of its best productions with "The Duke's Motto," Maguire could draw only fair houses to admire a dramatic season starring Charles R. Thorne, Jr., or a subsequent engagement of Frank Mayo, former local boy. In May, while the stock company toured inland, Maguire offered William Horace Lingard and his wife, Alice Dunning. Then in June he came out only second best in a managerial competition between his theatre and the California. He presented the British Blonde Burlesque Troupe on June 16, while the California countered with the famous Lydia Thompson Burlesque Company, opening on the 22nd. Under other circumstances, Maguire would have recouped earlier losses, but the counter-attraction at the California effectively superseded his offering,[28] and after a benefit in his honor on July 6 the comment was made: "The great crowd in attendance last night, testified the sympathy felt by the public for Manager Maguire, who has held on so bravely to his business, when the times were hard, and it seemed as though daylight never would come again."[29]

It had been a difficult season in San Francisco. Even the California executed a strategic retreat in August, subleasing to a minstrel troupe by way of relief for a few weeks.[30] And at the end of August Maguire suffered the greatest blow—the sudden death of his wife.

Mrs. Maguire died on the evening of August 30, 1870, following a short but severe illness, unidentified in the newspapers. The burial service was held at St. Mary's Cathedral.[31] The choir was augmented by professional singers for the "Solemn Requiem Mass for the repose of her soul." The *Bulletin* commented:

> It is rarely that the funeral service has been rendered in a more impressive manner. At the door of the church, a large volunteer instrumental band performed a dirge as the casket was being removed from the building to the hearse, and at the grave there was instrumental and vocal music.[32]

The *Call*, always friendly to Tom Maguire, accorded the event respectful comment:

> Emma Theresa Maguire, wife of Thomas Maguire, Esq. . . . died in this city on Tuesday last, after a brief illness. Deceased was a woman of great business talent. . . . Many of the best engagements were due to her sagacity, judgment and good taste, and her frequent visits to New York, London and Paris, were always productive of . . . much satisfaction to the play-going public. . . . To the voice of charity her hand was ever open. . . .[33]

The *Bulletin*, too, paid tribute to "Little Em":

> Her good judgment, prudence and energy of character, have been actively exerted in the furtherance of her husband's business and welfare. With an especially amiable and generous disposition, her charities have been quietly but liberally bestowed, and are gratefully acknowledged. Mrs. Maguire will be regretted by a large circle of acquaint-

ances in and out of the profession, while her husband will miss a faithful and unselfish counselor, and his nearest friend and companion.[34]

This must indeed have been the saddest period of Maguire's life. Proud of his handsome good looks, vigorous, squeamish of even the suggestion of illness or human mortality, Tom must have suffered doubly under the impact of his loss.

San Franciscans, who knew how sturdily "Little Em" had stood behind Tom in all his ventures, expected him to show signs of defeat, perhaps to retire from active enterprise. But in November, Maguire was in New York—"dropped down here just like a meteor," said a correspondent of the *Figaro*, who ran into him on Broadway.[35] "I hope he has met with success," the writer continued, "for of all men in the show business he deserves it."

Whether he deserved it or not, Maguire was again on the up-swing. Said the *Call* reporter on November 27: "Manager Maguire has reason to congratulate himself upon the successful issue of his trip to the East in quest of talent. . . . Emerson's Minstrels reopened the long-closed doors . . . and . . . [have] been highly successful, both artistically and financially."

Even the *Figaro* softened to the extent of congratulating Maguire on the "light breaking through the clouds that have too long lowered over the Opera House."[36] For the Emerson Minstrels, opening on November 23, proved to be the best minstrel show San Francisco had received in years, made an immediate and unequivocal success so evident that it seemed Maguire had at last found a clear path to new riches. Indeed, it was so apparent that Billy Emerson is said to have demanded a half interest in the management after three weeks of record houses—and to have obtained it without demur from Maguire.[37]

A modern commentator gives some facts about the Emerson invasion: It seems that the Central Pacific Railroad had just inaugurated "a fairly good schedule of overland passenger traffic service and Emerson and his troupe was the first theatrical combination to travel over its lines." The arrangement was that Maguire should furnish the theatre, the transportation, and $1,000 a week for salaries.[38] Included in the company were: Billy Emerson, tambo endman and song-and-dance specialist; James H. Budworth, dialect comedian; Con T. Murphy, baritone balladist; George and Charles Reynolds, song-and-dance duo; a vocal quartette under direction of M. Ainsley Scott, basso; and Johnnie De Angelis.[39]

This merry crew, which reveled in specialty songs, jigs, close harmony quartets, and all the rigmarole of the minstrel circle, immediately settled into a soon-familiar routine of black-face variety spiced with personal references and local insinuations which drew the usual delighted mirth of the city. When the California Theatre outdistanced all other productions with an elaborate Christmas offering of "Monte Cristo," the minstrels countered with a burlesque of the piece, "Ac-count of Monty Christopher de Cocos."[40]

Encouraged by its reception, the company continued to improvise happily on local themes and, with changing programs, played for twelve months with only occasional substitutions in their ranks.

The Alhambra Theatre, since the initial success of the Zavistowskis, had gradually receded in importance until, by the first of the year 1871, the house was only irregularly occupied by players and audiences. This playhouse was more favorably located for theatre trade than was the Opera House and perhaps was more suitable for minstrel performances. Maguire commenced negotiations for the newer theatre, and on February 28 he and Emerson moved their minstrels to its stage.[41]

The Opera House was, indeed, already doomed to destruction. In 1870 the state legislature had passed a bill providing for the opening of Montgomery Avenue (now Columbus Avenue), the project to involve destruction of portions of both Maguire's Opera House and the Metropolitan Theatre, as well as the Lyceum Block, Platt's Pacific Theatre, and the famous International Hotel.[42] The matter was a long time reaching definite action. In May of 1871 a list of damage awards included $32,540 proposed to be offered to Maguire for his Opera House.[43] In November of 1872 the matter was still being discussed, and Maguire's award was increased.[44] Not until 1873 was work actually commenced.

In the meantime, Maguire was looking forward to indicated changes in theatre locations, and while he continued to offer amusement at the historic house near the old Plaza, his main financial dependence was removed to the Alhambra Theatre, near the new California.[45]

When the minstrels first vacated, in February 1871, Sheridan Corbyn brought to the Opera House a variety show under the title, "The Gaieté Group." After a month, Maguire sent the troupe to Sacramento, while he rented the Opera House temporarily to John McCullough for a Charles Bandmann engagement (the Zavistowski Sisters had usurped the California for leg shows). On May 1, George L. Fox's Comic Pantomime Company was introduced for a short stay, and in July James Fisk's French Opera Bouffe Troupe made a weak showing. Then Mme Lea Silly of the latter organization took over the lease for a short time, after a minor exchange of hostilities between herself and Maguire's treasurer as to responsibility for the troupe's finances.[46]

As for the Emerson Minstrels, ever-changing in program and personnel but always the same in appeal, on November 6 they gave way at the Alhambra to an eastern company, Edwin Kelly and Francis Leon's Minstrels, but were back in three weeks to combine with the newcomers for a holiday season.

Once again Tom Maguire seemed to have made one of his miraculous recoveries from disaster. Despite allegations that his wife had furnished the intelligence behind his career, that he was merely a pawn in her business schemes, Tom had set out under the most adverse conditions and had struck a solid vein of gold. No wonder the showman swaggered.

A Sunday reporter for the *Call*, in the spring of 1871, manufactured a feature article about the famous Cliff House, then on the opposite side of the peninsula from the city of San Francisco, though now included in its spreading boundaries. At that time the Saturday afternoon carriage ride to the Cliff House was as fashionable as had been the old Montgomery Street promenade in early days. A fine macadamized road was interrupted only by a toll gate between Lone Mountain and Calvary cemeteries. Part-way there was a racetrack, frequently in use, and at the Cliff House itself, a barroom, restaurant, and view of Seal Rocks. There was much rivalry between society folk in spanking turnouts. Maguire was probably often seen on these spring afternoons, as he was described this day, proudly driving a "fine looking pair of greys."[47]

IX. TRANSCONTINENTAL TRIPPER

In December 1871, Maguire and Emerson crossed the snowy continent to select new minstrel talent for the Alhambra Theatre. On January 22 Billy Emerson reappeared in the San Francisco show, but the new players, whom Maguire described as the "*crème de la crème* of the profession,"[1] were snowbound in the Rockies and did not appear until late February. The *Figaro*, gradually succumbing to admiration for Maguire in this period, commented on the delay, "it is lucky that the imperious Maguire remained in New York."[2]

The new players revived the minstrels, whose popularity held up well in a rather languishing post-holiday season. The California was already an accepted story, and it was rumored that John McCullough's responsibilities as manager were irking him. Lawrence Barrett had already gone back to the pleasanter business and more exciting profits of starring tours,[3] and McCullough found long intervals between his own appearances tiresome. At the Metropolitan the Berts (Edward G. and Frederick W.) were eking out a theatrical existence by featuring lurid melodramas. The Opera House was occasionally opened for a Bianchi opera production, but offered no regular attractions. Variety halls flourished vulgarly.

Maguire returned to San Francisco at the end of February[4] and immediately announced plans for a grand transcontinental tour of the Emerson Minstrels—his first venture of this character.[5] So, at the end of May, Maguire installed at the Alhambra the Lew Simmons and E. N. Slocum Minstrels from Philadelphia.[6] He set out, then, with the full Emerson company, which he conducted in person over the following well-planned and intensive schedule:

Sacramento	May 27-29	Detroit	July 26-27
Virginia City	May 31-June 7	Cleveland	July 29-30
Salt Lake City	June 10-12	Pittsburgh	July 31-August 3
Omaha	June 14-15	Philadelphia	August 5-10
Chicago	June 17-29	Washington	August 12-14
St. Louis	July 1-6	Baltimore	August 15-17
Louisville	July 8-13	Brooklyn	August 19-24
Cincinnati	July 15-20	New Haven	August 26-27
Indianapolis	July 22-23	Hartford	August 28-29
Fort Wayne	July 24	Providence	August 30-31
Toledo	July 25	New York City	September 2[7]

His company safely entered upon middle-western engagements, Maguire went on to New York in July.[8] There was talk of his taking over a New York theatre for a year, to house the Emerson group.[9] Reports from the tour were good; a few changes in personnel and bookings were announced, including a trip to Boston in August.[10]

On September 2, 1872, the Maguire and Emerson Minstrels opened at the Lina Edwin Theatre, 718 Broadway, the company now including: Ben Cotton, A. J. Talbot, John R. Kemble, Harry Stanwood, A. J. Lonra, and John F. Sheridan and J. W. Mack—later William H. Delehanty and Thomas M. Hengler.[11] According to the theatre historian, George Odell, they "began with some show of success, but bad business closed the enterprise in this house on November 16th."[12] (The building was destroyed by fire a few days later, burning out the Kelly and Leon Minstrels.)[13]

In San Francisco, meantime, the Simmons and Slocum troupe had been replaced in August by the California Minstrels, including: Delehanty, Hengler (who later joined Emerson's in New York, as noted above), Cool Burgess, Charles Sutton, Ainsley Scott, J. G. Russell, Add. Ryman, Sam Rickey, Bob Hart, and Fanny Gibson.

On his return to San Francisco, on November 17,[14] Maguire took the local Alhambra in hand. As Emerson and the New York contingent arrived to displace the local company, Maguire set to renovating the theatre, but without closing the show. The walls were redecorated with "crimson and gold and light pink fresco paper,"[15] the seats re-covered. At the end of the year a huge composite minstrel show celebrated the California reestablishment.[16]

During 1873, Maguire made two trips to New York, the first in March, the second in August.[17] The city was again rumoring that Maguire would build a new theatre. *Figaro* commented: "Time will tell—but we don't believe 'Tom' will. He generally keeps his business secrets pretty close."[18]

In the late spring the old Opera House was at last torn down, its destruction arousing a typical sentimentality. Tom was not present to view the last rites. Prentice Mulford wrote:

> So the old Opera House on Washington street is closed for good, and is to be torn away to make room for public improvements. I can imagine how it now stands in empty gloom, and, when contrasted with the light, life and activity of former days, a mournful place. . . . And Tom—Tom Maguire—the human fixture of the Opera House, with his lounging air and low voice, has at last deserted it. . . .[19]

This description of Maguire is rather at variance with other comments about his "imperious" and proud bearing and manner. Mr. Mulford had probably never seen the gentleman in action.

At any rate, the scenery of the Opera House was sold to the management of a new house being erected across the street from the Alhambra,[20] and the building itself was demolished, without Tom or "Little Em" to mourn its past glories.[21]

The new theatre in the city, opened on June 30, 1873, as Shiel's Opera House,[22] soon fell on bitter days, and in October Maguire secured it, in the face of solemn warnings that

> He that doth two houses keep
> Must stay awake while others sleep.[23]

Maguire in September had struck another successful vein in an opera bouffe troupe, starring Susan Galton and Jennie Lee.[24] On October 20 he moved this company to the new Opera House (renamed Gray's Opera House in October 1873), while the ever-changing minstrel company returned to the Alhambra.

With two theatres in hand, by 1874 Maguire seems to have fallen into his old stride. His hair was white now, his resources never at quite the old heights. But he still had friends to cheer him along and give him credit—a great deal of credit, sometimes, from all reports. Charles K. McClatchy, late well-known journalist, has recalled some of the stories about Maguire in a book of memoirs and states baldly and without substantiating evidence that "At one time he probably owed more money to more people than any other theatrical manager in the United States."[25] Gone were the days when Maguire paid cash for a whole theatre. Now players were sometimes put to it to collect their salaries.

But Maguire had made a comeback. As a contemporary reporter commented, he was still a familiar figure on Montgomery Street:

> Behold, another white-locked gentleman, the Napoleon of managers, the centre of a knot of Thespians devoted chiefly to the clog, the bones, cork and beer. The legitimate drama went back on him shamelessly after many years of faithful service, but minstrelsy came to his aid at the critical moment. . . .[26]

The friendly *Call*, always sympathetic to Maguire through the years, cheered him on:

> No obstacle seems to deter him, no loss dishearten. On the contrary . . . in place of taking a step back to give place to younger men, he is not only at all times shoulder to shoulder with the most daring and impulsive among his competitors, but often a pace of two in advance. He appears to retain all the energy of his earlier manhood. . . .[27]

The California Theatre did, indeed, seem to have a monopoly in the field of the dignified "legitimate" drama. One great star followed another, with Ralston standing behind to guarantee funds apparently without limit. Dion Boucicault, actor-author, was the first luminary of 1874, the fifth year of the California's existence. He was followed by Katharine Rogers, tragedienne; then came McCullough in a starring season (he was now leaving the theatre in other hands much of the time, in order to fill engagements in the East); then the ravishing Adelaide Neilson. Maguire was not able to compete with this brilliant program but was nevertheless drawing his own clientele to the Alhambra and the newer Opera House on Bush Street, not far from the California.

In February, Maguire sent his Opera Bouffe Troupe on tour, moving the minstrels to the Opera House, while he closed the Alhambra Theatre for remodeling. On March 8 he left San Francisco for a quick trip to New York to secure new attractions, returning April 5.[28] On May 4 the Alhambra Theatre was opened after extensive improvements. The auditorium had been enlarged to seat fifteen hundred in new blue plush upholstery, had been frescoed by Pellegrini, supplied with new crystal chandeliers and a drop curtain representing "The Golden Age," and renamed "Maguire's New Theatre."[29] Here the Lingards, William Horace and Alice, who had already opened at the Opera House, inaugurated the new season of drama with "Creatures of Impulse" by William S. Gilbert, who was just coming into popularity. Then, following a dark week to allow for redecorating, the Opera House was in turn reopened on May 11, featuring the California Minstrels and a procession of variety stars.

After the herculean efforts of the spring, Maguire seems to have indulged in a summer of physical disability, recurrent but not serious.[30] He recovered sufficiently to get into the newspapers in July, when the disgruntled husband of Fanny Young followed up on a quarrel between Fanny and Maguire with regard to salary. According to reports, the gentleman approached Maguire from the rear in the vestibule of his new theatre, where Tom was chatting with a theatrical agent, and only the intervention of a bystander prevented serious injury to the manager. Testimony in court indicated that Maguire's primary sin had been his characterization of Fanny as a "hussy."[31]

Meantime Maguire definitely threw the gauntlet to the California Theatre. On June 8 the great Charles Fechter, German tragedian famed for his use of a blond wig in playing "Hamlet," opened at the New Theatre for a month of heavy pieces. His season was not financially productive[32] but served to bring to public attention an excellent stock company which Maguire was building up as a foil to the minstrels.[33] With this group as a background, Maguire offered at the New Theatre during the summer and fall: Miss Jeffreys Lewis, then a newcomer from Wallack's Theatre, New York; the New York Langrishe and Glenn troupe in "The Black Crook," for which the scenery, costumes, ballet, and principals were imported from New York; Mlle Marie Zoe with the stock company in drama; the child Fay Templeton; Annette Ince and Ella Kemble; and, finally, after three weeks' intermission for preparations, a Christmas spectacle starring Ada Hope.

During the summer of 1874, James Herne was installed as Maguire's stage director, and included in the stock company during the period were such competent players as Edward J. Buckley, Alice Vane Templeton (little Fay's mother), Blanche Galton, and Thomas Whiffen, besides James Herne himself and young David Belasco, who was given sporadic work during the fall season.[34]

Despite all apparent efforts, Maguire could not rival the California's glory, and his record might have been more disastrous had he not maintained a minstrel company to fill out his schedule of touring and local attractions. In August, Billy Emerson returned from a tour to Australia, and the Opera House swelled hospitably to the continuous crowds of patrons.[35]

But Maguire did not remain inactive through this busy year. In November he made another flying trip to New York to secure new players.[36] In December it was reported that he was investing in a new theatre to be built in Virginia City at a cost of $60,000;[37] while now, definitely, it was known that he was deep in plans for another magnificent San Francisco house.

* * *

By January of 1875, Maguire was deeply involved in a complicated business organization. He was still thinking in terms of a transcontinental system of theatre management. A pioneer in this field, he was one of the first of a list of enterprising gentlemen who, in the next ten years, followed more or less successfully in these new paths.

On February 28, 1875, Maguire entrained for New York, to make arrangements for the commencement of work on his proposed new San Francisco theatre.[38] Reappearing in California, a month later, he was "in fine health and spirits."[39] He had accomplished several important strokes of business during the interval; in New York had engaged the great Madame Adelaide Ristori and her company of some thirty people for San Francisco appearances, as well as a Grand English Opera Company, both groups to appear in the summer.[40] He had also entered into an alliance with Richard M. Hooley, the Chicago manager who had played as a minstrel in Maguire's San Francisco theatres twenty years before. They planned coast-to-coast exploitation of their joint interests, to commence with the shifting of Billy Emerson's minstrels to Hooley's Chicago Opera House, while the fine Hooley Comedy Company was to take over the San Francisco Opera House.[41]

In mid-April the Emerson troupe closed their season in San Francisco. Touring the west coast for a few weeks, they moved toward Chicago, where Maguire had already preceded them to make arrangements for the Illinois opening. On May 3 the black-face players opened to immense business in Chicago.[42] Their next appearances were in New York, where they commenced at the Park Theatre on May 31.[43]

This was not the same Park Theatre that Maguire had known in his youth. That earlier theatre had burned down in 1848; this successor to the title had been completed in April 1874. The troupe which moved into the new house included: Billy Emerson, Ben Cotton, Billy Rice, Little Mac (Ebenezer Nicholson), Bob Hart, William Arlington, J. S. Russell, W. Hayden Tilla, and Fred Waltz.[44] The minstrels played for four weeks, but reports reached San Francisco to the effect that Maguire mourned a loss of $8,000 as a result of the Manhattan visit.[45] Times were bad in New York. The company played in several other eastern cities[46] before returning to San Francisco in October, with certain additions and personnel changes—another company having been organized to remain in Chicago at Hooley's. By that time the Hooley-Maguire partnership had been dissolved and a new eastern connection established.

Meantime, the season had not been entirely disappointing in San Francisco. The panic and depression in the East seemed still, in that period, to have been barricaded by the Rocky Mountains. The California Theatre was apparently in top-flight prosperity, featuring during the year, among others: McCullough himself, returned from starring tours; Clara Morris, Little Nell (Helen Dauvray), Katharine Rogers, Mme Fanny Janauschek, Alice and Dickie Lingard (in "The Two Orphans"), Harry J. Montague (the stage Adonis who introduced the Montague curl to the ladies), Dion Boucicault, Lawrence Barrett, and Joseph Murphy. The splendid stock company at this fine house contributed to the continuously brilliant program.

At Maguire's New Theatre the spring saw a fortunate venture in the presentation of Mrs. James A. Oates and her English Comic Opera Company of thirty members. This troupe, with a comic or opera bouffe repertoire, remained at the New Theatre until June, vacating only to move to the Opera House for a time while the building was being repaired and redecorated (there had been a minor fire in the New Theatre in late March).[47]

In May, Mr. Hooley and his comedy company, under the direction of the young author, Bartley Campbell, appeared at the Opera House. The company consisted of twenty-six players,[48] with no obvious stars but several potentially great actors. Included in the latter category was James O'Neill, later to father the great playwright Eugene O'Neill. According to a facetious reporter for *Inter-Ocean,* Maguire came to Chicago, where O'Neill had made good at McVicker's and then at Hooley's: "He said the noblest city on the continent, the gem of the Pacific Coast, is languishing. O'Neill said, 'Let us save San Francisco, won't we, Hooley?' And Dick stroked his beard and responded 'Of course we will.' . . . Hooley wants to see the other side of this immense continent, and play one game of quoits in the Yosemite Valley."[49]

So the Hooley players came to the Pacific Coast, opening on May 10 in Bartley Campbell's play, "Peril." That was a turbulent summer, with Maguire the continent's width away.

The great Mme Adelaide Ristori, Italian tragedienne, with a considerable supporting company, opened at the New Theatre on June 2. The California Theatre, however, had stolen some of Maguire's thunder: another great tragedienne, Mme Janauschek, made her San Francisco debut on May 31. Citizens eagerly compared the two rivals as they appeared in "Medea," "Mary Stuart," and other famous dramas of similar tragic scope. Critics seized eagerly on the opportunity to indulge in one of their favorite literary delights: comparison of two great contenders for identical histrionic honors.

Ristori closed her San Francisco season on June 20, taking her company then to Australia; Janauschek outstayed her by a week. Hooley-Maguire lost $300 by the fine season. Said the *Call*, sympathetically, "High art is more fashionable than profitable."[50]

The Hooley troupe made no pretensions to "high art." They were frankly a comedy troupe and they built up good steady returns at the Opera House.[51]

Meantime, young Augustin Daly of the Fifth Avenue Theatre, New York, had decided to bring his own company to the Coast, and in all ignorance had been persuaded to rent the inadequate Platt's Hall for a season to begin in mid-July.

One of Daly's most successful productions in New York had been a play called "The Big Bonanza," adapted from a German drama of Big Business called "Ultimo." Hooley had announced the play for his season in San Francisco,[52] and Daly immediately instituted local action against Hooley and Maguire, with the intention of restraining them from forestalling his own California production. An audience of interested actors gathered as Attorney William H. L. Barnes put his case to the Circuit Court, and the Hooley-Maguire interests countered through their mouthpiece, Thomas I. Bergin.[53]

Daly's manuscript of the play had not yet been received in San Francisco for comparison, but it was brought out that his alleged rights were based only upon priority of translation from an uncopyrighted German piece. Bartley Campbell swore that two-thirds of his version of the play had been radically altered, and that he had inserted references to conditions in California stock brokerages for additional local color. The court decided to stay Hooley,[54] who nevertheless triumphantly introduced the piece, advertised as "Ultimo" in his version, on June 7. The court battle had served only to advertise the play, which enjoyed a good run.

But Daly had not finished in the affair. On June 27 the San Francisco papers announced that "piratical phonographers" (shorthand stenographers) had been discovered at work in a box at the Opera House, and had been "ignominiously ejected."[55] Daly, it seems, had determined to have a copy of the Hooley manuscript for use in legal action, and had resorted to this method of obtaining it.

Perhaps it was, in part, because of all this unfavorable publicity that Daly's splendid company enjoyed a conspicuous failure in their San Francisco season. Daly was much incensed to find that he had been quartered in a mere concert hall—"I would as soon fasten my scenery to the ceiling of a parlor," has been quoted as his comment.[56] After two nights there, Daly communicated by telegraph with Maguire, in New York,[57] and arranged to lease the Opera House for a month, at $500 per week.[58] Still, his season was a miserable affair. His actors were too restrained for San Francisco taste, his plays not particularly attractive. Daly himself spoke of the visit acidly: "California may be the land of milk and honey, but San Francisco as I have found it so far is the city of gall and vinegar."[59]

The Hooley company, on the contrary, enjoyed a distinct success. Their eight-week season was financially profitable, bringing in a total of about $30,000.[60] They traveled to Virginia City in July, thence to the smaller California cities of the "provinces."

In August it was announced that a tripartite alliance had been effected between Maguire, Hooley, and Bartley Campbell, whereby the three men were to be stationed in San Francisco, Chicago, and Brooklyn (Hooley's Theatre) respectively, and business was to be conducted on a transcontinental basis.[61] But in October it was locally announced that there had been a shake-up in the arrangements, the partnership having been dissolved in favor of a new alliance in which John H. Haverly of the Haverly Minstrels was to be joint manager with Maguire of the Opera House in Chicago, while Hooley and Campbell were to confine themselves to the Brooklyn Theatre.[62] Meantime, Maguire returned to San Francisco to take charge of his two theatres and the building of a third.

Hooley seems to have retained some interest in the Haverly-Maguire organization, however: in early November, filing a voluntary petition of bankruptcy in Chicago, he listed his liabilities at $50,000, and included in his assets his interest in the receipts of the Haverly-Maguire show at Hooley's Theatre, as well as the theatre itself.[63] Later in the month it was announced that Hooley's Brooklyn venture had also ended disastrously.[64]

Meanwhile the Hooley company had remained in the West under Maguire's management, although in October they had commenced billing themselves simply as "The Great Comedy Company."

Returning to San Francisco on October 15,[65] Maguire brought back his Emerson minstrels for the Opera House. At Christmas time a company of acrobats and Mr. and Mrs. George Ware were featured in an extravaganza, "Fortunio," at the New Theatre. The California offered "Faustus" in the lavish style customary to that house. But the California had received a body blow while Maguire was in the East: in August the Bank of California had been forced to suspend activities under a cloud of panic. On August 27, immediately after a directors' meeting at which the serious financial situation of the bank was discussed, William C. Ralston either drowned accidentally or committed suicide while indulging in a late afternoon swim.[66] The effect upon the California Theatre was not immediately apparent, except for the sorrow expressed by the organization on the loss of their great benefactor. For some months it was not known that the accounts of the California Theatre were in very dubious condition, that Ralston had failed to keep adequate records of payments on theatre loans he had negotiated at his bank,[67] and that the lavish scale of existence under which it had flourished for more than five years was at length to be abandoned.

(To be continued)

NOTES TO CHAPTER VI

1. San Francisco *Call*, November 12, 1865.

2. The author has been unable to find a copy of the Virginia City *Territorial Enterprise* for this date, but the San Francisco *Golden Era* of March 13, 1864, quotes two articles from that paper in praise of Miss Menken, one of which may have been from the pen of Mark Twain.

3. See Sam Post Davis, ed., *The History of Nevada* (Reno, Nevada, and Los Angeles, California, 1913), II, 718-20. See also Albert Bigelow Paine's *Mark Twain: A Biography* (New York and London, 1912), I,248 ff.; and George D. Lyman, *The Saga of the Comstock Lode* (New York: Charles Scribner's Sons, 1934), pp. 270 ff. But the *Call* of April 30, 1865, contains a comment that the Opera House advertising had been withdrawn from the Virginia City paper because of caustic remarks about Fanny Brown. See also *Call*, May 1, 1865.

4. *Call*, July 29, 1866.

5. *Ibid.*, September 30, 1866.

6. Charles Piper, son of John Henry Piper, stated in a recent interview that John Henry Piper and John Piper, brothers, purchased Maguire's Opera House and carried on the activities of the theatre as partners. Hal Johnson, "So We're Told," Berkeley (California) *Gazette*, February 2, 1942. See also Virginia City *Territorial Enterprise*, February 24, 1867.

7. *Call*, March 24, 1867.

8. Twain was connected with the San Francisco *Call* from about May 1864 to December 1866. See Franklin Walker, *The Washoe Giant in San Francisco* (San Francisco: George Fields, 1938), and Mark Twain's *Autobiography* (New York and London: Harper & Brothers, 1924), I, 242.

9. Miss Heron's San Francisco debut was made in December 1853.

10. San Francisco *Bulletin*, February 7, 1865.

11. *Call*, February 1, 1865.

12. *Bulletin*, March 2, 1865.

13. San Francisco *Puck*, April 1865.

14. *Bulletin*, April 24, 1865.

15. *Call*, April 24, 1865.

16. *Ibid.*, May 7, 1865. For a more flattering poem inspired by Miss Heron, see the *Californian* of February 18, 1865, p. 9.

17. Pauline Jacobson, "A Voluptuous Camille," *Bulletin*, May 26, 1917; also earlier articles, May 12 and May 19, concerning Miss Heron. Cf. comment by John Philip Young, *Journalism in California* (San Francisco: Chronicle Publishing Company, 1915), p. 68.

18. Don Carlos Seitz, *Artemus Ward: A Biography and Bibliography* (New York and London: Harper & Brothers, 1919), p. 125.

19. *Loc. cit.*

20. Walter J. Thompson, "When Artemus Ward Was Here," *Chronicle*, September 17, 1916.

21. San Francisco *Alta California*, November 13 and 17, 1863.

22. Seitz, *op. cit.*, pp. 131-32.

23. *Call*, January 3, 1864.

24. See *Californian*, May 28, 1864.

25. *Bulletin*, September 10, 11, 1865.

26. *Ibid.*, September 22, 1865.

27. *Ibid.*, November 13, 1865.

28. *Ibid.*, November 27, 1865.

29. *Ibid.*, October 27, 1865.

30. See *ibid.*, October 31, and *Call*, November 1, 1865.

31. *Call*, November 1, 1865.

32. *Loc. cit.*

33. *Bulletin*, November 1, 1865.

34. *Ibid.*, December 6, 1865. See also *Call*, December 7, 10, and 15, and *Bulletin*, December 14, 1865.

35. Paine, *op. cit.*, I, 275-76.

36. *Call*, December 24, 1865.

37. Mark Twain's *Autobiography*, I, 242.

38. Paine, *op. cit.*, I, 292.

39. *Bulletin*, October 2, 1866.

40. Walter Moore Leman, *Memories of an Old Actor* (San Francisco, 1886), pp. 327-28.

41. *Bulletin*, December 25, 1865; January 4, 1866.

42. *Ibid.*, January 29, 1866.

43. *Call*, April 8, 1866.

44. *Ibid.*, August 5, 1866.

45. *Figaro*, August 3, 1872. She died in October 1875 (*Call*, October 17, 1875).

46. *Call*, November 7, 1880.

47. *Ibid.*, January 30, 1876.

48. *Ibid.*, September 2, 1878. See also Frank Soulé's introduction to Alice Kingsbury's *Ho! for Elf-Land!* (San Francisco, 1877), in which another variant of the legend is offered.

49. Other records of Maguire temperament are to be found in the *Call*, September 23, 1864, June 26, 1867; *Chronicle*, November 17, 1868; and see *infra*.

50. George Edward Barnes, "The Dead Napoleon," *Bulletin*, January 21, 1896.

51. *Call*, September 19, 1880.

NOTES TO CHAPTER VII

1. *Bulletin*, September 27, 1865. See Bret Harte's poem in the *Californian*, November 11, 1865.

2. *Call*, June 26, 1866.

3. *Bulletin*, August 16, 1866. See also the *Dramatic Chronicle*, August 10, 14, 1866.

4. *Call*, October 5, 1866.

5. *Ibid.*, December 2, 1866.

6. *Ibid.*, September 14, 1866.

7. *Californian*, March 17, 1866.

8. *Bulletin*, May 11, 1866; *Call*, May 13, 1866.

9. *Call*, May 15, 1866.

10. *Californian*, May 12, 1866.

11. *Bulletin*, May 24, 1866.

12. *Call*, October 14, 1866.

13. *Chronicle*, January 26, 1896.

14. Current stage slang for incompetent actors. The change in acting methods is indicated by the fact that the profession in Forrest's day bemoaned lack of "abandon" in secondary players, while today the "ham" is blamed for too much of it. Reticence and restraint have thus come to supplant fury in critical favor.

15. The lady's name was Lizzie Swindlehurst, according to one candid theatre historian.

16. *Bulletin*, August 18, 1917.

17. *Ibid.*, October 11 and November 5, 1866; *Call*, October 21 and December 2, 1866.

18. *Bulletin*, October 4; *Call*, October 5, 1866.

19. *Call*, August 2, 1866. See also *Dramatic Chronicle* of August 6, 1866.

20. This is one of several references which might serve to cast doubt upon the legend that Maguire was illiterate.

21. *Call*, August 9, 1866. See also *verbatim* report in the *Dramatic Chronicle*, August 9, 17, 22, 1866.

22. *Bulletin*, October 4; *Call*, October 5; *Dramatic Chronicle*, October 6, 1866.

23. Young, *Journalism in California*, p. 68.

24. It is perhaps noteworthy that Paul Martinetti followed a dawning vogue for the "Flying Trapeze" by offering a "Zampillaerostation" act on January 28, 1867.

25. *Bulletin*, November 22, 1866. For personnel of the Howson troupe, see advertisement, *Call*, July 1, 1866.

26. *Call*, September 5, 1867, quoting from the New York *Herald* of August 12.

27. *Call*, *loc. cit.*

28. *Bulletin*, January 8, 1867; *Call*, January 3, 1867.

29. *Call*, January 29, 1867.

30. *Ibid.*, January 30, 1867.

31. *Ibid.*, January 31, 1867.

32. *Ibid.*, February 3, March 1, 1867.

33. The "Mikado Troupe" of J. R. Marshall opened at Maguire's Academy of Music in San Francisco on June 3; F. Gilbert and Baldwin's "Great Dragon Troupe" at the Metropolitan on June 10. By the time these troupes had followed Maguire eastward, San Francisco had declared herself surfeited (*Call*, June 16, 1867).

34. *Call*, March 27, 1867.

35. *Ibid.*, April 14, 1867.

36. *Ibid.*, April 21, 1867.

37. Notes of itineraries of the Japanese troupes were printed from time to time in the current Sunday *Call* and Saturday *Dramatic Chronicle* theatre news sections.

38. *Dramatic Chronicle*, June 8, 1867; *Call*, June 5, 1867. See also George Clinton Densmore Odell, *Annals of the New York Stage* (New York: Columbia University Press, 1927 to date), VIII, 216. The New York season lasted from May 6 to June 15; another followed July 1 to July 10, 1867.

39. *Call*, June 26, 1867.

40. *Loc. cit.* New York *Clipper* of June 15 contained a long article on Maguire, unfortunately not available.

41. *Call*, July 7, 1867.

42. Odell, *loc. cit.*

43. *Dramatic Chronicle*, July 13, 1867.

44. *Call*, September 1, 1867; see also *Dramatic Chronicle*, August 31, 1867, and New York *Clipper*, November 16, 1867, p. 255.

45. *Call*, September 5, quoting from New York *Herald* of August 12, 1867; see also *Dramatic Chronicle*, September 14, 1867.

46. *Call*, October 5 and 27, 1867. The New York *Clipper*, September 7, gives a somewhat different version.

47. *Dramatic Chronicle*, October 19 and November 23, 1867.

48. *Ibid.*, August 3, 1867.

49. *Call*, September 14, 1867.

50. *Dramatic Chronicle*, December 14, 1867.

51. *Loc. cit.*

52. New York *Clipper*, October 26, 1867.

53. *Call*, February 2, 1868.

54. *Ibid.*, March 24, 1868.

55. *Dramatic Chronicle*, March 28, 1868.

56. *Call*, October 27, 1866, "Satanella" letter.

57. *Ibid.*, June 14, 1867. The piece continued at the New York theatre for 475 performances, was later revived.

58. *Call*, April 21, 1867.

59. *Dramatic Chronicle*, April 16, 1867.

60. *Call*, April 21, 1867.

61. *Dramatic Chronicle*, advertisement, April 19, 1867.

62. *Ibid.*, and *Call*, April 17, 1867.

63. *Dramatic Chronicle*, April 20, 1867.

64. *Ibid.*, April 19, 1867.

65. *Call* and *Dramatic Chronicle*, April 19, 1867.

66. *Dramatic Chronicle*, April 20, 1867.

67. The Opera House and the Olympic Theatre changed their bills on April 29, the Metropolitan on May 17. Then, in a sudden truce, on May 27 the Martinettis, animosities forgotten, moved to Tibbetts' Opera House to make room for a minstrel troupe at the Metropolitan.

68. *Dramatic Chronicle*, August 26, 1867, estimates that Adams, who played for ten weeks at the Opera House, departed with a profit of $6,000 (the *Call* of August 25 estimated $10,000).

69. *Dramatic Chronicle*, August 17, 1867.

70. *Ibid.*, August 31, 1867.

71. See *Daily Critic*, December 18, 1867.

72. Wheatleigh's most successful piece was "Under the Gaslight." See *Dramatic Chronicle*, December 14, 1867.

73. Manager Tibbetts resigned and was replaced by Sheridan Corbyn on January 1. *Dramatic Chronicle*, January 4, 1868.

74. Barrett appeared in 77 consecutive performances of various plays (*Bulletin*, May 2, 1868) and returned to the Opera House for another 21 appearances from July 13 to August 1.

75. *Dramatic Chronicle*, September 7, 1867.

76. *Ibid.*, September 21, 1867.

77. The *Dramatic Chronicle* was certainly prejudiced, and other evidence casts doubt on its sweeping denial. See advertisement for Grass Valley Theatre, "T. Maguire, sole proprietor," *Critic*, May 16, 1868, for example.

78. *Dramatic Chronicle*, March 15, 1868.

79. Graves was subsequently to figure in an assault suit against Maguire; *Chronicle*, November 17 and 21, 1868.

80. *Dramatic Chronicle*, January 18 and 25, 1868.

81. *Ibid.*, June 29, 1867; see also June 6, 1868.

82. *Call*, July 26, 1867.

83. He was living at No. 211 Henry Street in New York City.

84. *Call*, October 23 and November 5, 1867.

85. *Dramatic Chronicle*, April 18, 1868. On July 27, 1868, the Metropolitan and the Opera House staged a "double complimentary benefit" for Maguire. *Figaro*.

NOTES TO CHAPTER VIII

**Figaro*, quoting from the *News-Letter:* "The public are indebted to Mr. Maguire for the last 20 years for all of the first-class entertainments given in this city . . . he . . . has upon several occasions lost heavily; and, nothing daunted, he, like Phoenix, rises from the ashes. . . ." *Figaro*, February 24, 1873.

1. *Dramatic Chronicle*, April 4, 1868.

2. *Bulletin*, February 16, 1868.

3. *Call*, October 25, 1867.

4. *Ibid.*, May 20, 1868.

5. *Dramatic Chronicle*, July 11, 1868.

6. *Ibid.*, July 18, 1868.

7. *Call*, May 17 and 31, 1868.

8. *Ibid.*, December 9, 1868.

9. *Ibid.*, October 12, 1865.

10. *Dramatic Chronicle*, July 3, 1868.

11. *Call*, September 27, 1868.

12. *Dramatic Review*, October 3, 1868.

13. *Call*, October 25, 1868.

14. Not so sprightly now—the *Figaro* was competing heavily. On January 11, 1869, the *Review* (successor to the *Dramatic Chronicle*) and the old *Daily Critic* or *Figaro* were consolidated under the name *Figaro and Dramatic Review*.

15. *Dramatic Review*, October 24, 1868.

16. See *Call* and other local newspaper reviews, January 19, 1869.

17. The Opera House was affectionately nicknamed "Old Drury" in its good days.

18. See *Call*, April 4, 1869, August 8, 1869, October 31, 1869, etc.

19. *Figaro*, February 27, March 6, 1869; also *Call*, May 2, 1869, etc.

20. *Call*, June 13, 1869: The "Hamilton Opera House" converted into a melodeon.

21. *Call*, December 26, 1869.

22. *Figaro*, December 20, 1869, advertisement.

23. Michael Bennett Leavitt, *Fifty Years in Theatrical Management* (New York: Broadway Publishing Co., 1912), pp. 231-34.

24. *Call*, January 2, 1870.

25. Receipts of the California for its first three hundred performances totaled $278,000. *Figaro*, January 3, 1870.

26. "The Black Crook" opened on January 10, 1870.

27. *Alta California*, March 14, 1870.

28. *Call*, July 23, 1870.

29. *Alta*, July 7, 1870.

30. *Ibid.*, August 8, 1870.

31. See *Examiner*, August 31, 1870; *Figaro*, August 31, 1870; *Bulletin*, September 1, 1870; *Alta*, August 31, 1870.

32. *Bulletin*, September 1, 1870.

33. *Call*, September 4, 1870.

34. *Bulletin*, September 1, 1870.

35. Letter dated November 20, published by *Figaro*, December 3, 1870.

36. *Figaro*, November 24, 1870.

37. But the opening advertisement (*Figaro*) named Maguire and Emerson as co-proprietors.

38. Oakland *Tribune*, January 24, 1937: "The Knave," quoting from facts supplied by John R. Roche of Oakland.

39. Advertisement, *Call*, November 22, 1870.

40. See advertisement, *Figaro*, January 2, 1871.

41. *Call*, February 28, 1871.

42. *Ibid*., March 26, 1870. See also March 2, 1871.

43. *Ibid*., May 31, 1871.

44. *Chronicle*, November 5, 1872.

45. Maguire was still sending companies on tour. In January 1871, a Maguire troupe officiated at the opening of a Los Angeles theatre. *Figaro*, January 25, February 14, 1871.

46. See *Chronicle*, July 19, and *Figaro*, July 20, 1871.

47. *Call*, March 5, 1871.

NOTES TO CHAPTER IX

1. *Figaro*, January 9, 1872.

2. *Ibid*., January 27, 1872.

3. *Alta*, October 22, 1870.

4. *Figaro*, February 26, 1872.

5. *Ibid*., March 16, 1872.

6. *Ibid*., May 24, 1872.

7. *Ibid*., May 25, 1872.

8. *Ibid*., July 27, quoting New York *Clipper* of July 20, 1872. Leavitt, *op. cit*., p. 311, says he encountered Maguire in London during the summer of 1872.

9. *Figaro*, August 10, 1872.

10. *Ibid*., August 3, August 31, 1872, etc.

11. Odell, *Annals of the New York Stage*, IX, 323-24.

12. *Loc. cit.*

13. *Figaro*, December 7, 1872.

14. *Chronicle*, overland passenger list, November 16, 1872.

15. *Figaro*, December 9, 1872.

16. *Ibid*., December 30, 1872.

17. *Ibid*., March 24, and *Call*, August 4, 1873.

18. *Figaro*, February 24, 1873.

19. *Ibid*., April 15, 1873.

20. *Ibid*., May 3, 1873.

21. *Ibid*., May 17, 1873.

22. *Bulletin, Chronicle,* July 1, 1873.

23. *Chronicle*, October 17, 1873. The *Call,* October 20, 1873, states that Tom paid a $15,000 bonus in order to secure a seven-year lease of this house.

24. *Chronicle*, January 25, 1874, contains a brief history of the Galton-Lee company.

25. Charles Kenny McClatchy, *Private Thinks of C.K.* (New York: The Scribner Press, 1936), p. 262.

26. *Alta*, March 1, 1874.

27. *Call*, May 4, 1874.

28. *Ibid*., March 8; *Figaro*, April 6, 1874.

29. See *Figaro*, *Alta*, May 2, 1874; *Call*, May 4, 1874.

30. *Call,* May 22; *Figaro,* September 24; and *Chronicle,* September 27, 1874; also *Figaro,* April 8, 1875.

31. *Call,* July 4, 1874.

32. *Chronicle,* July 5, 1874.

33. *Ibid.,* August 2, 1874.

34. Belasco played a "bit" in Herne's own arrangement of "Rip Van Winkle," which opened on October 12, 1874. Belasco was later listed in the cast of "The Enchantress." *Figaro,* December 30, 1874.

35. See *Figaro,* April 10, 1875.

36. *Call,* November 22, 1874.

37. *Ibid.,* December 27, 1874.

38. *Chronicle,* February 28, 1875. See also *Call,* February 14, 1875.

39. *Call,* April 5, 1875.

40. The Opera Company opened at the New Theatre on July 4, 1875.

41. *Figaro,* "Our Chicago Letter," March 18, 1875; also *ibid.,* March 20 and March 27, 1875.

42. *Call,* May 7, 1875.

43. *Call,* May 23, 30, 1875.

44. Odell, *op. cit.,* IX, 558.

45. *Call,* July 11, 1875.

46. *Ibid.,* July 4, September 5, 1875.

47. *Figaro,* March 23, 1875; *Call,* March 24, 1875.

48. See *Figaro,* May 3, 1875, for positions and names of leading players.

49. Quoted in the *Call,* May 9, 1875.

50. *Call,* June 27, 1875.

51. Review of receipts of the season, *Call,* July 4, 1875.

52. *Call,* May 26, 1875.

53. *Ibid.,* June 1, 1875.

54. *Ibid.,* June 2, 1875. See letter from Hooley explaining his position in the matter, *ibid.,* June 6, 1875.

55. *Chronicle,* June 27, 1875.

56. Joseph Francis Daly, *The Life of Augustin Daly* (New York: The Macmillan Company, 1917), p. 190.

57. *Call,* July 15, 1875.

58. Daly, *loc. cit.*

59. *Loc. cit.*

60. *Call,* July 4, 1875.

61. *Ibid.,* August 29, 1875.

62. *Ibid.,* October 13, 1875, quoting from *Figaro.* Another account of later date indicates that Hooley was ousted by Haverly and Maguire during his absence in New York; Oakland *Tribune,* March 25, 1882. Lyman B. Glover tells briefly of the history of Hooley's Chicago house, but says "it is best not to detail" the events of the period from October 1875 to 1877, when Hooley was "shut out, as he believed, unjustly from the house he had built." Lyman B. Glover, *The Story of a Theatre* (Chicago, ca. 1900), pp. 22, 24.

63. *Call,* November 14, 1875.

64. *Ibid.,* November 21, 1875.

65. He was "serenaded" on his arrival; *Chronicle,* October 17, 1875.

66. *Chronicle, Call,* August 27, 1875.

67. *Chronicle,* June 30, 1878.

News of Society

Meetings

The California Historical Society held a luncheon meeting at the Palace Hotel, on March 17, 1942, commemorating the twentieth anniversary of the reorganization of the Society.

The first speaker, Mr. Sidney M. Ehrman, sketched the history of the earlier California Historical societies, the first of which was formed in 1852, with Stephen J. Field, Henry W. Halleck and Alexander S. Taylor as directors. The second was organized in 1870 by John T. Doyle, Joseph A. Donohoe, John W. Dwinelle, and others; and the third, whose articles of incorporation are used by the present Society, was formed in 1886. Its first president was Edward S. Holden, president of the University of California, and Professor Bernard Moses was its secretary. This organization functioned for a number of years and then became dormant in 1893. Twenty years ago, largely through the efforts of Messrs. Templeton Crocker and Henry R. Wagner, it was revived to form the present Society. The first officers of the reorganized Society were Templeton Crocker, president; H. R. Wagner, E. S. Heller, and C. O. G. Miller, vice-presidents; and T. W. Hubbard, secretary and treasurer.

The second speaker was William E. Colby, whose subject was "Half a Century of Conservation in California: John Muir and the Sierra Club." Mr. Colby spoke of his interest in the mountains and of his friendship with John Muir, told of the making of the Yosemite Valley into a reservation by an Act of Congress in 1864, and showed photostats of later bills in Congress, setting aside land for conservation, one of which provided for lands around the Valley and the other for lands around the Kings River. He also discussed the societies in California interested in conservation work, such as the Save-the-Redwoods League. Mrs. Albert J. Evers of that organization was then introduced and mentioned some of its activities.

There were ninety-three members and guests present.

On April 21, 1942, the Society held a luncheon meeting in the California Room of the Palace Hotel. Mr. J. B. Levison, chairman of the board of Fireman's Fund Insurance Company, was the speaker, and his subject was "Recollections of the San Francisco Disaster of 1906."

Mr. Levison first gave his personal reactions on the morning of the earthquake and sketched his activities of that day and the following days. He recalled that the Opera Company was in San Francisco at that time, its members staying at various hotels, and that their worried manager got them out of town within forty-eight hours, by various means of transportation. Enrico Caruso was seen riding on a garbage wagon. Mr. Levison's own family went to Sausalito in a tug. The speaker told of the organization of the special police in his neighborhood by Judge Carroll Cook, and gave a tribute to General Funston for his brilliant handling of the emergency. He also stated that a report of an inspection made by the National Board of Fire Underwriters in October 1905 indicated that San Francisco might be destroyed by fire at any time.

Following Mr. Levison's talk, the senior battalion chief of the San Francisco Fire Department, Frederick J. Bowlen, told of his own experiences during the fire and gave a brief history of the San Francisco Fire Department. He outlined the many changes and improvements made since 1906 to prevent a repetition of the disaster, and stated that it would be almost impossible for the city to have another fire of such magnitude.

Seventy-two members and guests were present.

On May 19, 1942, the Society held a luncheon meeting in the Concert Room of the Palace Hotel. The speaker of the day was Dr. William Newell Davis, and his subject, "The Territory of Nataqua: An Episode in the Frontier Period of California East of the Sierra, 1850-1865."

The speaker first gave the location of the proposed Territory of Nataqua, in Honey Lake Valley, beyond the crest of the Sierra Nevada in the northeastern part of California, and mentioned some of the early explorers and fur trappers who went through this territory: Peter Skene Ogden, Ewing Young, John C. Fremont, and the Chiles-Reading party in 1843. He also told of the opening of a trail by Peter Lassen in 1848 and spoke of Isaac Roop, a pioneer of the area, whose cabin is still standing in Susanville. Dr. Davis then discussed the various attempts to organize a government for the proposed territory and the problems which arose from the uncertainty as to whether this area was under the jurisdiction of California or of Utah (the Territory of Nevada was not formed until later).

Forty members and guests were present.

WARREN R. HOWELL

New Members

NAME	ADDRESS	PROPOSED BY
Cooper, Miss Ethel	San Francisco	Mrs. George L. Cadwalader
Creighton, Rev. John Hayes	San Francisco	Mrs. Jerome A. Hart
de Latour, Mrs. Georges	San Francisco	Mrs. Daniel Volkmann
Herrick, Harvey	San Francisco	Mrs. Jerome A. Hart
Ina Coolbrith Circle, The	Berkeley, Calif.	Miss Katharine Carroll
Knight, Samuel	Burlingame, Calif.	Mrs. Samuel Knight
Oliver, P. A.	San Mateo, Calif.	Miss Dorothy Huggins
O'Toole, Thomas J.	San Francisco	Mrs. Jerome A. Hart
Pillsbury, Mrs. George B.	Ross, Calif.	Mr. Walter A. Starr
San Jose State College, Library of	San Jose, Calif.	Miss Joyce Backus

Gifts Received by the Society

March 1, 1942, to May 31, 1942

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PICTURES AND MAPS

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From MISS LUCIE DOBBIE—52 Postcard views of California Missions.

From MR. VALLEJO GANTNER—2 Photographs of Emelie Melville (actress); Postcard picture of Forbes-Robertson (actor).

From MISS ALICE HILGARD—Photostat of lithograph: "The Way They Cross 'The Isthmus'," N. Currier, 1849.

From MISS BERTHA AGNES KIRKPATRICK—Oil painting, "Chinese Fishing Village," by Miss Matilda Mott, ca. 1859.

From MR. ROBERT J. KOSHLAND—Photograph: 12th Annual Reunion Banquet, Lincoln Grammar School Ass'n, Feb. 12, 1920.

From MRS. SILAS PALMER—6 Photographs of Yosemite, Watkins' New Series; "Life Studies of the Great Army," etchings by Edwin Forbes (40 plates).

From RAILROAD COMMISSION OF THE STATE OF CALIF. (Courtesy of Mr. Leon Whitsell and Brig.-General H. G. Mathewson)—Map of California, 1926.

From MISS RUTH TEISER—2 Photographs: State Capitol, Sacramento (ca. 1890); Main Gate, Sutro Heights.

MISCELLANEOUS

From MR. FREDERICK J. BOWLEN—Bowlen, F. J., "Conduct of Officers"; Street car transfer, April 18, 1906, 5:10 A.M. (8 min. before the earthquake).

From MRS. MARTHA WOOD CAUGHLAN—Newton's New and Improved Terrestial Globe, pub. by Newton & Son [London, before 1803].

From MR. TEMPLETON CROCKER—Certificate of membership of Territorial Pioneers of California (blank); Deal, David, Register of Marriages and Deaths, Sacramento, 1873; Diploma awarded to Harrison Eastman for the best water color drawing, Mechanics' Institute, 1857; Letter of Washington A. Bartlett, S. F., Aug. 31, 1841, appointing E. Ward Pell, of Yerba Buena, inspector of revenue; 3 Newspapers: *California Herald*, 1848, repr. from the New York ed. at the "Chat" office, London; S. F. *Hard Times*, January 1894; San Francisco *News Letter*, November 20, 1856, containing letter written by W. Prather, S. F., Nov. 20, 1856, Theatre Program, Comic Opera, 1859.

From MISS RAY HARRIS—Spring Valley Water Works Co. receipt, June 13, 1863, water for the brig "Hidalgo"; Board of State Harbor Commissioners, receipt, April 12, 1865, for wharfage at Mission Street Wharf.

From MR. H. HEWLETT—Scrapbook of Calif. newspaper clippings of the 1870's.

From MR. JOHN HOWELL—Broadsides: *A Prayer Written by Lord Nelson . . . 1805*, and *For the Freedom of the Seas*, S. F.: John Howell [1942]; Invitation to Miss Ella Lees to attend a celebration of the 70th birthday of Mrs. A. de Young, May 8, 1879; Card to the Grand Ball of the California Pioneers, Union Hall, Sept. 11, 1874; Note written by I. W. Lees, Nov. 5, 1881, and letter, S. F., Feb. 15, 1878; Biographical information about Isaiah W. Lees written by his daughter, Ella Lees Leigh; Letter written by Edwin A. Sherman, Oakland, Sept. 1904, to Miss Ella Lees Leigh.

From MISS BERTHA AGNES KIRKPATRICK—2 Badges of Society of California Pioneers.

From MRS. HANS LISSER—Meal ticket issued by the Finance Committee of the Relief and Red Cross Funds, May 22, 1906.

From MR. GEORGE A. MERRILL—Photostat of mortgage given by W. A. Leidesdorff to James Lick, Sept. 18, 1848.

From CAPT. R. E. O'NEILL—O'Neill, R. E., "Spanish Names in Santa Barbara County Translated into English" (5½ pages, typed).

From MRS. SILAS PALMER—5 Scrapbooks comp. by Charles Holbrook: Finance and Trade; Law; Obituary; Railroad; Real Estate.

Recent Californiana

Although lack of space has forced us to omit the check list from this issue of the QUARTERLY, we cannot go to press without mentioning three outstanding works of members of our Society: *My Playhouse Was a Concord Coach*, by Mae Hélène Bacon Boggs; *Bullion to Books: Fifty Years of Business and Pleasure*, by Henry R. Wagner (published by the Zamorano Club, Los Angeles); and *The Maps of the Gold Region, 1848-1857*, by Carl I. Wheat.

The first is a compilation, largely of newspaper articles, tracing the development of transportation in northern California and Oregon and covering a period from 1839 to 1888, in which particular emphasis is placed upon the stage companies. The book is not for sale but was compiled by Mrs. Boggs in memory of her uncle, Williamson Lyncoya Smith, who was for many years associated with the California Stage Company. It was printed by the Howell-North Press, in Oakland. In the second Mr. Wagner tells of his experiences in Kansas City in the eighties, and later in Colorado, Texas, South America, Mexico, and London, while connected with the mining industry, and as a book collector, bibliographer, and historian, since his retirement. The author has resided in California since 1917 and was one of the founders of the present California Historical Society. Carl I. Wheat, a former editor of this QUARTERLY, has produced an excellent example of biblio-cartography in his folio volume of *Maps of the Gold Region* published by the Grabhorn Press. It is not only beautiful in appearance but is the result of careful and extensive research.

In Memoriam

MARCUS M. BARUH

1866-1942

It is with sadness that we record the passing of one of our recent fellow members of the Society. Marcus Baruh died in the University of California Hospital in San Francisco, after a short illness, on April 6, 1942. He was born on February 11, 1866, at Nevada City, California, his parents having come to California from Germany by way of the Isthmus of Panama in the early fifties.

After graduating with high honors from the Nevada City High School, Marcus Baruh entered the employ of Miller's Emporium, of that town, where he advanced to the position of manager. In 1897, he left the city of his birth to become identified with the Los Angeles office of A. Zellerbach and Sons, a small paper jobbing establishment which was destined to become one of the great corporations of the West. With the turn of the century he became manager of the Nevada Sulphur Company of Nevada. Later he associated himself with the Englander Drayage and Warehouse Co., and at the time of his death was president of this concern as well as of the California Cotton Mills, and was a director of the Crown Zellerbach Corporation, Zellerbach Paper Company, and the National Automotive Company.

His was a deeply religious nature. He will be remembered as a lovable and noble character, who greeted his friends with a radiant and contagious humor. His interest in public affairs was varied, his friends were many, and the respect for his business judgment was universal. He was especially proud of his fine record in the Community Chest drives. He held memberships in the Beresford, Concordia-Argonaut, Commonwealth, and Commercial clubs.

One of seven children, Mr. Baruh is survived by his sister, Mrs. Isadore Zellerbach, of San Francisco, and his brother, Joseph Y. Baruh, of Los Angeles.

EDGAR M. KAHN

HENRY FRANCIS BRIZARD

1876-1941

In the death of Henry Francis Brizard, at Arcata on November 22, 1941, the California Historical Society lost a valued member and the State another connecting link with the pioneer past.

Representative of one of the oldest and most prominent families of northern California, Henry Brizard carried on to the end the fine traditions established by his father, Alexander Brizard, who came across the Isthmus of Panama from Bordeaux, France, and established the business now known as A. Brizard, Inc., in Arcata, Humboldt County, in 1863. There Henry Brizard was born on February 12, 1876. After attending the Arcata Grammar School and San Rafael Military Academy, he studied mining engineering at the University of California, from which he received his degree in 1900. For a short while he managed the Gwin Mine in Calaveras County, but for the last thirty years of his life he directed the affairs of the Brizard Company, with its many interests scattered over northern California. In addition, although he shunned the spotlight, his public spirited nature impelled him to take a leading part in a long list of civic activities, both local and statewide. His generosity, kindliness, and fairness won for him the affection and respect of his employees, as well as hundreds of friends.

Besides his wife, Kate, with whom he celebrated their silver wedding anniversary last year, he leaves a daughter, Josephine, and a brother, Paul Brizard, of Arcata; three nephews: Brousse Brizard, of Arcata, Alson Brizard, of Stockton, and Alexander Brizard, of Arizona.

MAURICE FITZ STEVENS FITZ GERALD

1851-1941

The death of Maurice Fitz Gerald, at the Veterans' Hospital, Yountville, on December 6, 1941, will recall to many of our members the luncheon meeting of June 1936 when Mr. Fitz Gerald gave his "Personal Experiences and Incidents of the Modoc War." It is remembered by those who heard him as one of the most interesting talks ever given at our meetings.

He was born on January 3, 1851, in County Cork, near Queenstown, Ireland, the son of Maurice and Margaret (Cooke) Fitz Gerald, and was educated in the Christian Brothers College, Dublin. He came to this country when he was twenty-one and joined the United States Army in Philadelphia. In 1873 he was sent to Benicia and then to Camp Halleck, Nevada. As a member of Troop K, First U. S. Cavalry, he took part in the Modoc Indian War, and for several years before his death was probably the only surviving eye-witness of the murder of General Canby and the peace commissioners. He left the regular Army with the rank of sergeant major and soon after became a special scout and courier for General O. O. Howard.

Later he engaged in the cattle business and worked for Henry Miller, of Miller & Lux, as bookkeeper. For a number of years he was a land attorney in Burns, Oregon, but moved to Mount Vernon, in the State of Washington, in 1907, where he engaged in the real estate business.

One of the honors of which Mr. Fitz Gerald was most proud was his election a few years ago as National Commander of the Indian War Veterans.

Married in 1893 to Eva Waters, he had two daughters, Helen and Eva, the first of whom survives. After the death of his wife, he married, in 1897, Elizabeth Norton. The seven children of this union all survive: Gerald, Maurice, Geraldine, Aileen, Michael, James, and Gregory.

John I. Perkins

Mr. John I. Perkins, a member of the California Historical Society since 1933, passed away at his home in Los Angeles on January 20, 1942, at the age of seventy-nine. Mr. Perkins was the last survivor of a distinguished Pennsylvania family. His father, Edward Huntington Perkins, was a graduate of Annapolis and received his commission as midshipman in the United States Navy from President Andrew Jackson, and was also appointed to a diplomatic post by President Lincoln. These two commissions, signed by the Presidents, were among Mr. Perkins' most treasured possessions.

Edward Huntington Perkins had five daughters and six sons. John, who was the youngest, never enjoyed robust health and during his early life traveled extensively. Later he came to Los Angeles, where he established his home and remained until his death. Although he lived a quiet and secluded life, he had a circle of warm friends and admirers, mostly book lovers like himself, who saw in him a distinguished and discriminating collector of books and manuscripts and a fine gentleman of the old school.

As a result of many years of careful effort Mr. Perkins had built up one of the most notable private libraries in Southern California. Although it contained only about 6,000 volumes, it covered a wide range of interests and in certain fields was extremely fine. Primarily a lover of worth-while literature, Mr. Perkins had an excellent general selection of the first editions of English and American authors. He also had a very well selected and representative group of books in the field of Californiana. Among them was a presentation copy of the first edition of Dana's *Two Years Before the Mast*. In other fields there was a small but well-chosen representation of incunabula, also a number of splendid early manuscripts.

Mr. Perkins was especially interested in the work of modern fine printers and book binders, but his library was also rich in the work of famous binders of early times. Of the California printers he had all of the best of the Grabhorn and Nash imprints. He was a member of the Grolier Club of New York and the Book Club of California and subscribed to all of their publications.

Mr. Perkins left his entire library, including manuscripts and autograph letters, to Scripps College, at Claremont, California.

William W. Clary

OTHER DEATHS

We regret also to report the deaths of two of our most distinguished members: Mr. Robert E. Cowan, in Los Angeles on April 29; and Dr. C. Hart Merriam, in Berkeley on March 19. Since they deserve more than the brief mention that the limited space in this issue would permit, it has been decided to hold over their obituaries for the September number.

Marginalia

Two of the contributors to this issue of the QUARTERLY, Mrs. Alice B. Maloney and William B. Rice, have been mentioned elsewhere. William Crittenden Sharpsteen, author of "Vanished Waters of Southeastern San Francisco," was born in Milwaukee, Wisconsin, July 9, 1863, and came with his parents to San Francisco in 1864. He attended St. Matthew's Hall, San Mateo, and Boys' High School, San Francisco. In 1885 he graduated from Hastings College of the Law and was admitted to practice. Removing to Tacoma, Washington Territory, in 1886, he practiced law in that territory and state until 1900, when he returned to San Francisco. He is still engaged in the practice of law in this city.

Ethel Cooper, one of our new members, is the daughter of James A. Cooper, who, after fighting on the side of the Confederacy in the Civil War, worked his way across the continent from his birthplace, Rutherfordton, North Carolina, to Santa Rosa, California. He was admitted to the bar about 1870 and settled in Ukiah. In 1898 he moved to San Francisco and became a partner of Samuel Knight. Later he was a member of the Supreme Court Commission of California, and afterward presiding justice of the first Appellate District.

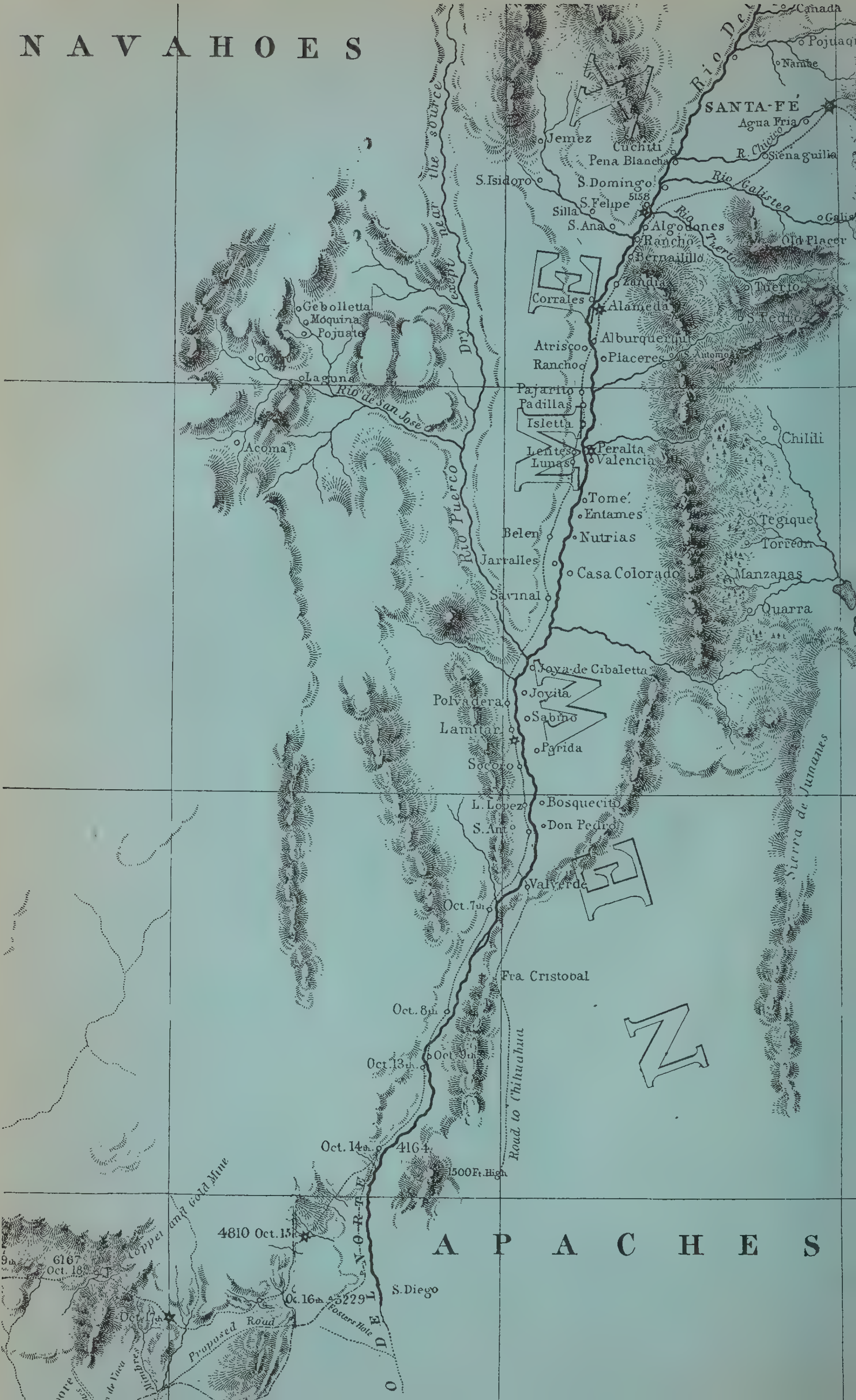
The Rev. John Hayes Creighton, D.D., is minister of the First Presbyterian Church, San Francisco. He holds degrees from Occidental College, Los Angeles, and McCormick Seminary, Chicago. During the World War he served as chaplain of the 26th Division, from Boston.

Fernande Romer de Latour, born in Alameda, California, is the wife of Georges de Latour, owner of the famous Beaulieu vineyard and winery in the Napa Valley.

The Ina Coolbrith Circle, an outgrowth of the Sunday gatherings at the poet's home, was inaugurated on Sunday, September 28, 1919, in the Donahue Library, and in 1930 the Ina Coolbrith Memorial Library was established. The objects of the Circle are the study of the history and literature of California, the discussion of the works of its writers, and the assembling and preservation of their personal and literary reminiscences.

Samuel Knight, lawyer, was born in San Francisco on December 28, 1865. His grandfather was one of the first federal judges appointed by President Lincoln, and Governor Henry Haight was his uncle. His wife is the former Mary Hurd Holbrook, of San Francisco. A graduate of Yale, Mr. Knight received the degree of LL.B. from Columbia University in 1889, and was admitted to the New York bar the same year. In 1893 he became assistant U. S. attorney for the Northern District of California, and in 1896, U. S. attorney. He served as major in the Judge Advocate General's department, U. S. Army, in 1918 and 1919.

Mrs. Pillsbury is the wife of George Bigelow Pillsbury, brigadier general U.S.A., retired.


NAVAHOES
Canada
Pojuaqu
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Rio Del
SANTA-FÉ
Agua Fria
R. Chicito
Sienaguilla
Rio Galistea
Galis
Old Placer
Tuerto
S. Pedro
Jemez
Cuchiti
Pena Blancha
S. Isidoro
S. Domingo
5158
S. Felipe
Silla
S. Ana
Algodones
Rancho
Bernalillo
Rio Tuerto
Zandia
Corrales
Alameda
Alburquerque
Atrisco
Rancho
Placeres
S. Antonio
Gebolletta
Moquina
Pojuate
Covero
Laguna
Rio de San Jose
Acoma
Dry except near the source
Rio Puerco
Pajarito
Padillas
Isletta
Lentes
Lunas
Peralta
Valencia
Chilili
Tome
Entames
Belen
Nutrias
Jarralles
Casa Colorado
Tegique
Torreon
Manzanas
Quarra
Savinal
Joya de Cibaletta
Jovita
Sabino
Polvadera
Lamitar
Parida
Socorro
L. Lopez
Bosquecito
S. Ant.
Don Pedro
Valverde
Oct. 7th
Fra Cristobal
Sierra de Jumanes
Oct. 8th
Oct. 9th
Oct. 13th
Road to Chihuahua
Oct. 14th
4164
1500 Ft. High
APACHES
Copper and Gold Mine
4810 Oct. 15th
6167
Oct. 18
Oct. 17th
Oct. 16th
5229
S. Diego
Fosters Hole
Proposed Road
Mimbres
de Vaca
RIO DEL NORTE

A Doctor Comes to California

The Diary of John S. Griffin, Assistant Surgeon with Kearny's Dragoons, 1846-47

Edited by George Walcott Ames, Jr.

INTRODUCTION

UNITED STATES strategy in the Mexican War contemplated offensive operations in several theatres. There was to be a land thrust from the northeast frontier at the principal towns in north central Mexico, another drive farther to the west at Chihuahua, the capture of Santa Fé, and the invasion of California by an "army of the west." A landing on the east coast and a march against Mexico City itself were later projected, while a vigorous naval blockade of both coast lines was instituted from the very outbreak of hostilities.

It was to the "Army of the West" that John Strother Griffin, assistant surgeon, United States Army, was attached in 1846. Under the command of Colonel—later General—Stephen Watts Kearny, First Dragoons, the "army" was to go overland to New Mexico; after capturing and pacifying the territory, march was to be resumed to California. Upon arrival, the cooperation of any naval forces found along the coast was to be invited, and complete possession was to be taken of the area.

To support the original force, consisting principally of dragoons and mounted Missouri volunteers, which marched from Fort Leavenworth, reinforcements were despatched from the East by the United States Government as soon as they could be assembled and outfitted. Colonel Sterling Price took a regiment of Missouri volunteers to Santa Fé; the Mormons, who had planned to settle in the Far West, were induced to contribute a battalion which marched overland to San Diego but by a more southerly route than Kearny's; a regiment of New York volunteers under Jonathan D. Stevenson sailed around the Horn to San Francisco; and a battery of regulars from the Third Artillery, with all needful materials for building harbor defenses, also arrived by way of the Horn.

When Kearny arrived in California he found Commodore Robert Field Stockton commanding the naval forces on the coast. Stockton had succeeded Commodore John Drake Sloat, who had taken all of the important northern towns by July 17, 1846. Under Stockton the southern part of the territory was as easily occupied as the north. The naval forces met their first important opposition when they were compelled to evacuate Los Angeles in late September and early October. Troops were being concentrated at San Diego for movement once more against the Pueblo, when the army arrived. With the battles of San Gabriel and La Mesa in January 1847, all organized hostility was finally crushed. Stockton refused to recognize Kearny's orders as civil governor and supported Colonel John Charles Frémont, whom he, Stockton, had appointed to the office. Frémont, contending that he held a commission from Stockton, also refused, at first, to obey Kearny's orders. Kearny, with less than a hundred men to enforce his commands, bided his time until Commodore William Branford Shubrick arrived to replace Stockton. The general's unwillingness to force the issue, particularly in regard to Frémont, was deeply resented by most of the army officers, who felt that a politician's son-in-law should not be given special consideration.

Several accounts have been written of the army's departure from Fort Leavenworth in the summer of 1846, the rendezvous at Bent's Fort, and the occupation of Santa Fé. Lieutenant James William Abert, who did not journey farther west than New Mexico, and Lieutenant William Helmsley Emory wrote official reports which give probably the best descriptions; these were printed in government documents which have made them easily accessible to the interested reader. Lieutenant Emory continued the journey to the Pacific Coast and reported on events through the final cessation of hostilities. Captain Abraham Robinson Johnston, who was killed in the battle of San Pascual, also wrote an interesting account of the hardships passed through on the journey between Santa Fé and the California settlements.[1] Another journal written on that march, one which carried on the tale much farther in point of time and events after arrival in California, is that of assistant surgeon John S. Griffin. Of this, however, only a portion has been published: two or three pages were printed in a local history of Los Angeles,[2] and a few paragraphs in *Pioneer Notes from the Diaries of Judge Benjamin Hayes.*[3] A longer version, a supposedly complete copy in the handwriting of one of Hubert Howe Bancroft's numerous secretaries, lies in the Bancroft Library at the University of California, in Berkeley. In his *History of California* Bancroft gives no indication that only a section of the whole, albeit a large section, was copied; nor does he use any portion after January 10, 1847, although he or his copyist must have known of the remainder. The fact that his copyist and the present editor find the same words illegible would indicate that what he did have was taken from the original. That journal remained in the possession of the family until 1941, when, through the generosity of Mrs. John Griffin Johnston, widow of Dr. Griffin's grandnephew, it was presented to the California Historical Society.

Griffin was born in Virginia in 1816.[4] Left an orphan at the age of nine, he was reared by relatives in Louisville, Kentucky. In 1837, he graduated in medicine from the University of Pennsylvania. After graduation he practiced in Louisville until 1840, when he entered the United States Army as an assistant surgeon. As such he served under General Worth in Florida and later at Fort Gibson on the southwest frontier. After the battles at San Pasqual, San Gabriel River, and La Mesa, Dr. Griffin was placed in charge of the general hospital at San Diego. In May 1847 he was sent to Los Angeles to serve under Colonel Jonathan Drake Stevenson, and after a year there he was transferred to the staff of General Persifor F. Smith. From 1850 to 1853 he was stationed at Benicia except for a brief interval when he accompanied Major Samuel P. Heintzelman on an expedition against the Yuma Indians on the Colorado River. In 1853 he was ordered to Washington, D. C., and there resigned his commission the following year. He then returned to Los Angeles, where he took up his permanent residence. On June 7, 1856, Dr. Griffin was elected superintendent of the Los Angeles city schools, and later the same year he married Miss Louisa Hayes, the first woman public-school teacher in Los Angeles. She was a sister of Judge Benjamin Hayes and sister-in-law of Benjamin S. Eaton. In 1858 Dr. Griffin became owner of the San Pasqual rancho, a portion of which was soon after purchased by his sister Eliza, Mrs. Albert Sidney Johnson. After many years of active participation in civil affairs, Griffin died at his home on August 23, 1898.

The journal which Griffin kept is valuable in that it reveals the character of an interesting "Yanqui" of early American Los Angeles and that it gives new shades of meaning to certain not too well understood episodes of California history. Particularly worthy of note was Griffin's attitude toward his work and profession, the antithesis of that of Dr. Cadwallader Cuticle, the navy surgeon, whom Herman Melville caricatures in *White Jacket*. Griffin well knew his own limitation. He was always seeking new treatments and discarding old methods; yet his concern for his patient was always present.

The good doctor's writing, while fairly legible in the main, at times is a trial to the editor. This and his use of anatomical terms and pharmaceutical abbreviations and a fanciful method of spelling proper names and Spanish words make certain passages difficult to understand. In the text of the Journal, therefore, well known anatomical names or those which appear in the ordinary dictionary are not explained, although spelling has been corrected where necessary. Pharmaceutical phrases have been more fully interpreted. Misspelled proper names and Spanish words are corrected only on their first appearance. In tracing full names of persons to whom Griffin refers, Hubert Howe Bancroft's "Pioneer Register and Index," in Volumes II to V of his *History of California*, is indispensable, as is Francis B. Heitman's *Historical Register and Dictionary of the United States Army*.

For anyone who is interested in delving deeper into the background, the most convenient place for finding additional facts as well as the best source for authorities is again Bancroft, *History of California*, V. As has been mentioned, Emory's *Notes of a Military Reconnoissance* is excellent and makes a fine complement, while the accompanying map of the route from Santa Fé to San Diego is a most valuable adjunct when reading Dr. Griffin's diary.[5]

DOCTOR GRIFFIN'S DIARY

Camp near St Philippe,
Sept 26th 1846.

We left Santa Fe yesterday—that is to say, Gen^{l}. Kearny, Staff, & myself and joined the Dragoons at their camp near Del Gordo's Ranch[6]—found all hands in great spirits at the prospect of the trip—not as volunteers but as men who had a duty to do & intended to do it.

26. Left camp early & had a hard days march through a perfectly barren country, one that would not feed a single goose to the acre. All the men are mounted on mules—some of them devlish poor at that. One or two gave out to day. This is a bad prospect for California to have the animals giving out the first day. It is said that there is gold in the sands, and that a man can make a living washing dirt, it is well this can be done for I am damned if any one could make a living ploughing. St Philippe is an Indian Village near the Rio Grande [del Norte]. I have not seen it yet, but several of the people have been in camp selling corn, mellons &c.

27. Left camp early, passed St Philippe—a good looking town, and two other villages—the last called Barnardeo,[7] this country on the Rio Grande is better than that about Santa Fe—fine vineyards, Peaches, Mellons and other fruits the best grapes I have ever seen—by calculation of my own we are fifty six miles from Santa Fe to night The mules purchased by the Qr master are extremely weak many of them are nearly given out, the officers are becoming great jockeys, trading horses for mules, and we do get bit like the devil, to-morrow it is said we cross the Rio Grande.

28, 29, 30th Sept. For the last three days I have been engaged in riding about through the country, trading horses for mules this has been the occupation of most of the officers, and we have all succeeded pretty much alike that is to say, a fine horse for a most indifferent mule, the Mexicans, we have all come to the conclusion, are great rascals, and are not burthened with any great amount of the article called conscience.[8] They are entirely too sharp for us, and for a conquered people are treated with a damn sight more courtesy than they deserve. This may appear a strange remark but our general has a regular Board every morning to assess damages, comitted by our poor half starved mules on their corn fields, and the result is that the amount of damages assessed is generally about twice as much as has really been sustained by the owner of the field. All of which is duly charged to the unlucky wight whose horse or mule may have been caught, thus doing two things, paying the Mexican more money than he ever dreamed his field would produce, and feeding Uncle Sams cattle at the expense of the officers and soldiers of the said good old Uncle—now I do not think this is all quite fair, for if a man does not earn his pay marching over these sands in New Mexico, he would not earn it mauling rails in Missouri, besides this is a most expensive country—it takes every red cent a poor devil can rake together to keep body and soul together and then to be made to pay for feeding Uncle Sams mules is rather too strong a pull—Since the 27th we have been marching slowly along the banks of the Rio Grande—and devlish poor banks they are—nothing but sand, and sand hills and barren Mountains with occasionally a Mexican settlement. We passed through an indian village to day.[9] these people live quite as well as the Mexicans, in the same sort of houses, the only difference is that they enter from the roof. they are a better looking people than the Mexicans, and seem to be their equal in every way—the great majority speak Spanish, though it is said a Mexican cannot acquire their language. At St Philippe some 40 miles back it was said that we had decended 1300 feet from Santa fe. We have been going down hill ever since. There is a perceptible change in the climate, the days being very warm and the nights not so cold—though ice formed last night. We are encamped to night in the neighborhood of Tomé, a Mexican Village on the East side of the Rio Grande.[10] We crossed the River yesterday at Al[b]uquerque, the Residence of the former governor Armejo [Manuel Armijo]. I took dinner at Al[b]uquerque, in regular Mexican style—one dish at a time with *tortillias* and lots of red pepper. We ended with grapes. This is decidedly the best thing in all Mexico. Our sick report is small, though we will be obliged to send back one poor fellow, in consequence of a dislocation of the clavicle. Paid for mutton this evening on account of the mess 75 cts

Oct. 1st—This morning, we found one of the mess minus. Stauntons'[11] servant a Mexican concluded to leave the camp last night & did so with his (Staunton's) best horse and up to this time we have heard nothing of him, this only confirms me in my belief that they are certainly the damndest rascals that can be found any where. The country marched through to day better than yesterday, country on the River well populated, passed through several villages, marched some 16 miles.[12] I am at present sick and am fearful that I shall be obliged to return to Santa Fe. I hope however this will not be the case. I will ride in the wagon tomorrow & hope that will stop the further development of the infernal disease.

Oct. 2d—We made an early start this morning. The country not much settled, and but little grass, the country being sandy. We are encamped opposite a small Mexican village on the opposite side of the Rio Grande—[13] the Alcalde sent us word that we had better keep a bright look out on our animals, as some Navahoe Indians were seen about yesterday. These Indians whip the Mexicans, and drive off cattle, whenever it pleases them to do so and the Mexicans make little resistance. This is a very poor grazing country, & up to this time I have not seen three thousand head of cattle since I left Santa Fe, nor is there grass or grain sufficient in this country to feed more than a regiment of Dragoons. We marched today about 15 or 17 miles—

no timber in the country except cotton wood, and that hard to find, I gave 25 cts yesterday for one little stick to cook my breakfast by.

Oct. 3^{d}. Last night an express arrived from Santa Fe—announcing the arrival of Col. Price with a part of his regiment,[14] at that time we received no mail, letters or papers, and not one word of news, at this we all swore like troopers, at friends, post masters & commanding officers, however it is all the same to me, as it will all be news when we hear it, & I do reckon we shall find out something when we arrive at Monterey. The news of Captain Allens death was confirmed poor fellow—he is gone.[15] I wonder how many more of us will go, before we return to the United States for I am damned if I do call this Uncle Sam, whatever Mr Polk may say. We have remained quiet in camp all day waiting for the ox-teams to come. One Company C—Capt Moore was sent off to trounce the Navahoes who were said to be giving the Spaniards the devil [with]in some 11 miles of us.[16] Capt Cook left camp to day to return to Santa Fe to take command of the Mormons.[17]

Oct. 4. This morning we had an increase in the number of animals in the command. Major Sumners[18] Lady of the Lake was delivered safely of a small colt, which was abandoned shortly after its birth. We marched over some ten miles of deep sand—it fatigued our animals very much to get through it. This I suppose is only a beginning of what we are to have from here to Monterey. We passed several poor Mexican villages. Capt Moor could not catch the Navahoes. I heard to day the Gen^{l}. directed the commanding officer at Santa Fe to make fierce war on the red rascals. The banks & bottoms of the Rio Grande has presented a much better appearance to day than I have yet seen—more grass, and timber, some beautiful groves of cotton wood—and grazing enough for thousands of animals—yet we have seen scarcely any stock to day—the Indians have plundered the poor devil[s] of Mexicans out of every thing. We marched some 16 miles to day.[19] The day has been warm, the atmosphere presenting very much the same appearance as our Indian summer in the States nor has it rained since we left Santa Fe.

Oct. 5. We made an early start this morning, but marched a short distance, and encamped near Secora [Socorro], a small Mexican village. Tomorrow we leave the Rio Grande & strike west across the mountains for the Rio Gila. As we look at them from the valley of the Rio Grande they present rather a forbidding front, nothing in the world but sand, lava and trap rock. They are not very high and that is a comfort, and it is said after we get to the top of the mountain it is a prairie from there to the Gila—good grass—but water hard to find, and devlish little of it when found. The valley of the Rio Grande has appeared decidedly prettier to day than I have yet seen it. in one place it looked a little like the Missouri Bottom, the river here is a rapid stream, about 120 or 200 feet wide, dividing off, so as to make many islands, the water is Muddy & Reddish, nearly the color of the Red River. There seems to be plenty of soft shell turtles & Cat fish in the river & lots of Wild geese and Sand Hill cranes—the only game I have seen in New Mexico—

6 & 7—On the 6th I was not able to write up my journal to day, in consequence of being busily engaged till bed time, about ten oclock while marching along, some 8 or 9 men came charging up to us with an Indian yell. These turned out to be [Kit] Carson, the celebrated mountain man and his party on his way to Washington with an express from Capt [Robert F.] Stockton of the Navy & Col [John C.] Fremont announcing that they had taken California & that the latter was to be governor of the same. This created considerable sensation in our party, but the general feeling [was] one of disappointment and regret—most of us hoped when leaving Santa Fe—that we might have a little kick up with the good people of California but this totally blasted all our hopes, and reduced our expedition to one of mere escort duty the Genl taking the same view of the matter took only two Companies C & K, 1st Drags, and left the remaining three in New Mexico under command of Major Sumner.[20] We parted with our friends with regret. Dr Simpson[21] & myself drew straws to see who should go to California, and I won, if it be said to be a gain to have such a march going and if we get there to have just such another returning. Mr. Fitzpatrick took Carson's mail, and left for Washington.[22]

7th—After duly turning over our property, which I did all to one fifth chains, for which I must get Ingalls[23] receipt upon my return from California, and taking leave of the fellows left behind, we put out, with merry hearts & light packs on our long march—Carson as guide, every man feeling renewed confidence in consequence of having such a guide. The county we passed through to day, the valley of the Rio Grande was decidedly the most desireable portion I have yet seen of New Mexico, The Towns being scattered about in beautiful clumps, fine grass and every thing looking as fresh as in spring. The hills are as bleak and sterile as ever—this country is not occupied. The Mexicans cant stay in it for the Indians. I forgot to mention that several Apachee indians came into camp yesterday, and that four are now with us. The Genl. I suppose intends collecting the tribe for a council as we pass through the country. We did not leave the Rio Grande yesterday as I supposed we would, but continued on it & will do so for some time. We left the trail to Chihuahua to day. I think we are encamped to night opposite or below Fra Cristobal. From the way the Genl. marched to day, I should say he was on his way in Earnest. We have come some 23 miles. The day has been clear with a strong south wind blowing the dust in our faces. This has annoyed us much & made my eyes quite sore.

8th Oct. The Genl. pushed out early this morning, had us all astir in tolerably quick time after revallie. We travelled well for some two or three miles, and then struck the most infernal route prehaps that has been seen, with the exception of the country ahead. it was one succession of reedy bottoms, sand hills and occasionally a sprinkling of tolerable thick cotton wood—but what was most annoying, was the chapparal this has long thorns on it, and we found it pretty thick in the high lands, this annoyed our mules in the team greatly, and if there be much of it ahead it will be impossible to pass through it. The leaf of the plant looks like the honey locust. We saw some bear tracks to day—a flock of turkeys and a deer was killed by Mr. Stanley.[24] It is reported that several coveys of black patridges have been seen. The country passed over to day was not so pretty as we saw yesterday. Yet from the size of the trees, I should say the bottoms were better and would produce well.

Oct. 9th We have not made more than 7 or 8 miles to day. it has been decidedly the hardest days journey we have yet had, it was with the greatest difficulty that the wagons could be brought up at all. The guide Carson declares that he believes it impossible to get wagons through and I think the Genl. is becoming of the same opinion, five of the team mules utterly caved and the remainder were so near to it, that the difference could scarcely be told, it was one succession of hills and what is called in this country cañons (pronounced canyons). The sides of the hills being nothing but beds of Lava, when on top of the hills chapparal, prickly pear & sand, so withall the poor mules had a devil of a time, this is the poorest country I have yet seen in New Mexico, though the River bottoms are good The Genl is now consulting with the guides & Mr Martin about taking on the wagons. The general opinion is to abandon them. To day we have seen several flocks of what we call black patridges, their plumage is very beautiful with a long top knot on the head—They fly, run and call very much like our quail, they are a longer bird than the quail, but not heavier I think. I have not eaten any of them yet, four or five were killed, but only two found in consequence of the thick brush and undergrowth that they were among. One man saw some 10 or 12 deer after coming into camp. I was out saw great sign both of deer & bear but could not find any of the animals. I think when we leave this camp we shall go on packs—There is no sickness in camp. The day was slightly cloudy, with a breeze blowing from the south as there has been for the last three days—there is distant lightning in the East, but no rain has fallen near us yet.

An express came up to us about 12 oclock to day—from some alcalde, announcing that the Navahoes were about to attack the mexican settlements and wipe them out—there was said to be a Mexican by name Sandone who was said to have joined these Indians, the Genl. sent back word that the troops in the country should look after the Navahoes, and directed Major Sumner to take a hand.

Oct. 10th. Last night the council determined that wagons could not be taken any farther—it was therefore determined to leave them—an express[25] was immediately sent to Major Sumner for a party to take back the wagons, and to send us the pack saddles. We have remained in camp all day, reducing our baggage so that it might be packed—it had already been cut down to the lowest point, at the camp & Santa Fe. I suppose by the time we arrive at Monterey if we have the Georgia uniform on it will be as much as we can reasonably expect. Some Mexicans brought mules into camp to trade the Genl. finding they had been trading with the Apachees without a license confiscated the whole of them.

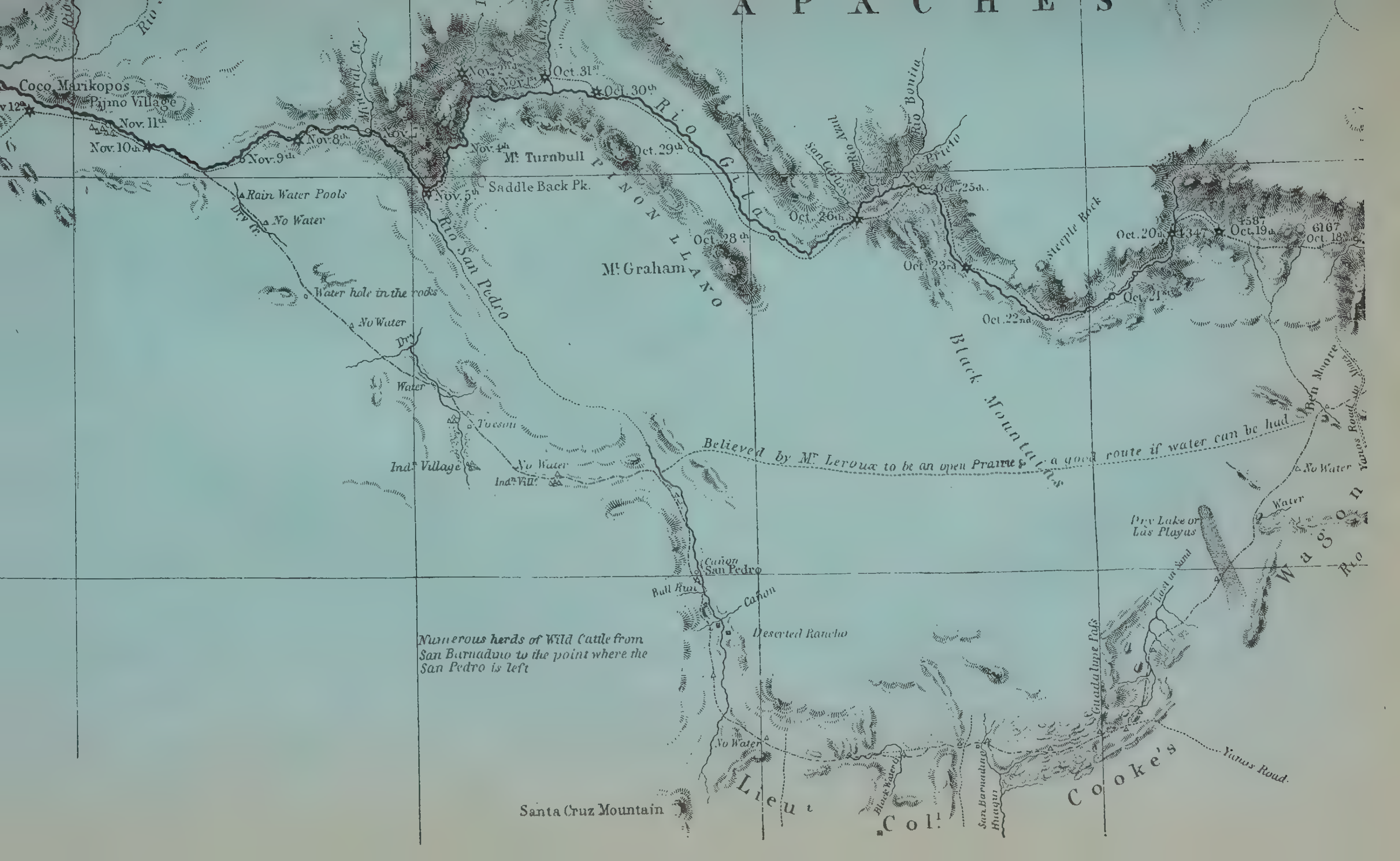
11 & 12th Oct remaining quiet in camp, nothing going on. All impatient except the mules who—(if the personal pronoun can be applied to them) seem to be very well contented. We have good grass on the other side of the River, and the poor things seem to enjoy the rest very much, particularly the team mules. We have all been engaged in weighing flour[,] pork &c. so as to adjust our packs equally. We are inexperienced in this mode of progression, and I expect nothing else but that we will ruin the backs of most of our animals. last night we amused ourselves having an illumination in camp, and Burning up the Qr Masters Tar, against which the Major strenuously protested, and gave us all a lecture on economy—which was all perfectly natural & proper for a quarter master.[26]

Oct. 13th—We crossed the river and moved our camp some mile[s] to better grass. Shortly after getting into camp Lt Ingalls came up with the mail, and notice that the pack saddles would be up in an hour or two. So tomorrow we are off for California in earnest. The mail brought us up but little news only an order, and an old N. Y. Herald—which had little or nothing in it. I received a letter from Philadelphia, from some unknown friend, who signs himself R. K. P. The Lord only knows who he is, I don't. he speaks of meeting with some cousin of mine in philadelphia Who she is the Lord knows for I dont I can swear—the rest of his letter I cant read, so I will use it for gun wadding—there is nothing going on in camp. Carson the guide says it will take us fifty days to go to St Diego. this is the 13—by that calculation it should take some time about the 1 or 3d of Dec. *Whew* [?] but it is a long time to live on the prairies or rather desert and maybe on half rations at that, with not a very brilliant prospect of enjoyment or ease even when we get to Monterey. N. B. [*Nota bene*] Moor says I owe hime $5.00, borrowed in my name by Chorbano.[27]

Oct. 14th—This morning we were all up early, adjusting packs, and our spaniards were in great requisition. This was a perfectly new mode of doing business to us, the consequence was we expected to see some little fun by the mules raising the devil generally only two or three of them got into a muss and caused their packs to be thrown off. My own kit got somewhat damaged, but upon the whole I think we shall get along swimmingly. The country passed over most miserable, though the River bottoms looked well at a distance but *perhaps* it was only distance that lent enchantment to the view. The River here is some fifty or seventy five yards wide rapid and muddy. Mountains in all directions, the country extremely rugged, and no game. So endeth the chapter. We marched nearly 18 miles to day.

15th & 16th Oct. On the 15th after leaving our camp on the Rio Grande, and following down the River some four miles, we struck off to the S. W. the mountains appearing as a barrier on our front. One pass appeared and for that we struck, we crossed two enormous cañons, and camped in the third. We found fine water in the two last. A new growth of trees The oak—a peculiar species, leaf small and serrated, acorn small, and sweet, a walnut, in appearance like the white walnut, the country rugged. We marched this day 24 or 25 miles. On the 16th left camp early, and had a devil of a hill to climb at the start, it was a breather after we got to the top of it—found a beautiful country—the finest stock country I have yet seen in New Mexico—the whole earth covered with grammer [grama] grass—a most nutritious food for Cattle and horses—stock water in abundance, in the small streams and I think a good deal of land might be cultivated by irrigation. We marched to day 18 or 20 miles, it is a little cloudy this evening—this is the first cloudy day we have had since leaving Santa Fe.

17th & 18th. Oct. Last night I did not write my journal in consequence of getting into camp late, and it being excessively cold. We travelled principally through mountain passes, along beds of the small streams, which seem to be dry at this season of the year—the road excessively rough. We were ascending mountains nearly all day—they were covered to their very tops with the finest species of grass—in the evening we crossed the Rio Mimbres, a small clear mountain stream, out of which Capt Turner[28] had caught about a dozen of the finest Brook trout. Capt T had been sent forward by the Genl to find the Apachees, but did not succed in doing so. We saw many Apachee lodges scattered about through the prairie, the bottoms and side of the mountains, covered with a species of dwarf oak, very much like the live oak—it is evidently the evergreen—and several species of cedar that I have not seen before. The Bottom of the Mimbres was quite a fine piece of land, with pretty good timber, no game—from some cause unknown to myself, my Mule Manuel saw fit to throw me over his head which he did in less time than any four foot animal, has ever done before. On the 18th we started early,—the morning being very cold, continued to travel through pretty much the same sort of passes as yesterday, with occasionally a beautiful mountain vally. About 12 miles from our Camp, we came to the copper mines. We found here quite an extensive town, which had been deserted, the mine seems to have been worked to a considerable extent, as there were shafts running in every direction, it is said an American named McKnight worked them and obtained a fine profit—in fact made a fortune, that there was a large per centage of gold found in the copper—in fact so much as to pay the transportation of the copper from hence to the City of Mexico.[29] There is said to be a pretty good wagon road running here from the passo


A P A C H E S
Coco Marikopos
Pijmo Village
Nov. 12th
Nov. 11th
Nov. 10th
Nov. 9th
Nov. 8th
Mineral Cr.
Nov. 4th
Mt. Turnbull
Nov. 5th
Saddle Back Pk.
Oct. 31st
Oct. 30th
Oct. 29th
Rio Gila
Pinon Llano
Oct. 28th
Mt. Graham
Oct. 26th
San Carlos
Rio Azul
Rio Bonita
Rio Prieto
Oct. 25th
Oct. 23rd
Steeple Rock
Oct. 22nd
Oct. 21st
Oct. 20th
4347
4587
Oct. 19th
6167
Oct. 18th
Rain Water Pools
Dry Cr.
No Water
Rio San Pedro
Water hole in the rocks
No Water
Dry
Water
Tucson
Indn. Village
No Water
Indn. Villc.
Black Mountains
Believed by Mr. Leroux to be an open Prairie & a good route if water can be had
Ben Moore
Yanos Road
No Water
Water
Dry Lake or Las Playas
Rio
Wagon
Lost in Sand
Cañon
San Pedro
Bull Run
Cañon
Deserted Rancho
Numerous herds of Wild Cattle from San Barnaduno to the point where the San Pedro is left
Guadalupe Pass
Yanos Road
No Water
Black Water
San Barnaduno
Huagun
Lieut. Col. Cooke's
Santa Cruz Mountain

Del Norte. I was in several of the shafts—the copper ore seemed to be plenty and very rich—as I cut out a piece of metal nearly pure—it is in veins in the rock, which seems to be a sand stone. We passed on beyond the Mines and encamped on a beautiful creek—about two miles from the mines—I saw a Black tail deer near the mines the first I have yet seen. After we had encamped Red Sleeve the principal chief of the Apachees,[30] with one of his men came into camp he was quite friendly, and the Genl gave him some presents. We move on tomorrow about 15 miles where the chief says he will meet us with his people. it is quite warm to-night and a little cloudy.

19th & 20th. Oct. On the 19th the Genl promised us a short march, the Apachees had promised to meet us at a certain point, sixteen miles distant, so we started out in fine spirits, expecting to have a pleasant evening in camp the Indians disappointed us, and when we arrived at the point designated we found that the grass had been all eaten up. Carson our guide had gone back with a party of officers to the copper mines. The old Mexican, who was acting as guide for the day reported water nine miles ahead so off we put, marched till dark, no water, continued the march, and it was 10 oclock before our poor mules got into camp. Many of them gave out, and one got drowned, it had a heavy pack and rushed into the water, and perished—fine grass, mountains &c. After we had been in camp a short time the Apachees came up.

20th. This morning presents were made to the Indians, and then an attempt to trade for mules We found them sharp traders, and only succeeded in getting two or three. They were armed—some with guns, bows and arrows and all with lances, they are said to be very formidable with these weapons, they are finely mounted, expressed the greatest friendship, and lasting hostility against the Mexicans, they seem to think that the Mexicans are great rascals and that they have a right to kill them whenever they can. Many of them had Mexican saddles, cartridge boxes, and different parts of the Mexican dress, all of which had no doubt been plundered from some poor devil who they had killed. We followed down a branch of the Gila [Night Creek] to day, and about 3 oclock came to that stream, it is a fine bold, beautiful mountain stream but with no land about it that can be cultivated, cotton wood timber, fine fish, plenty caught this evening. No game, though I found plenty of deer sign. We have marched in the last two days forty five miles.

Oct. 21st This has been a long and fatiguing days journey. When we left camp this morning we had two difficulties presented to us—the one a most steep and rugged mountain, the other a cañon of the river, we took the latter as the lesser evil, followed down the Gila some five or six miles and finally turned the steepest point of the mountain, in following the course of the river, we were obliged to cross it every half mile or so, the mountain jutting down to the very edge of the stream, making a very picturesque affair of it—but damn bad roads—the fact is we have so much of the grand, & sublime scenery that I am tired of it. After turning the flank of the mountain we ascended it, and found it bad enough even at that. Carson said this was a turnpike road in comparison to the other route. We struck the river about 3 or 4 oclock in the evening and found the country quite open. More fish have been caught this evening I tried my hand but could not get even a nibble—plenty of deer & turkey sign to day—none seen. I had to take a *pleasant* ride of some miles on the back trail to see a sick man—this made me late in getting into camp Our march to day some 18 miles by my computation. The Howitzers have not come up yet, and it is now 8 P M—poor Davidson[31] he has a sweet time of it—these are the only wheeled vehicles we have along, and they are about as much trouble as all the packs put together Our pack animals begin to suffer dreadfully from sore backs, and the beef cattle are becoming so tender footed that the[y] are driven along with the greatest difficulty. Some Indians came up shortly after we started this morning—We have seen nothing of them since, the rascals are loafing along after us to steal some mules, I suppose.

Oct. 22d. We arrived late in camp this evening as usual having marched 18 or 20 miles—the country is better than that passed over yesterday. Kept the river bottom for a few miles, but was again headed off by another cañon —we then had a rough country, the Howitzers broke down another set of mules yesterday these devlish things cost us more in the shape of mules than a Company of Dragoons. Captain Johnston lost one of his mules[32]—with the pack—he has gone back after it. We are to march ten miles a day till he overtakes us—

Oct. 23d. This morning we left camp about 9 oclock, crossed the River, and marched down the bottom on the north side of the stream, the road was quite level, but ye gods the dust. I never suffered or saw men suffer more from any trifling annoyance in my life. The grass & weeds indicated quite strong soil, and might be cultivated by proper irrigation. We saw one or two wild geese & two or three flocks of ducks—the advanced guard saw the black quail & the common quail of the United States No other game was seen, the fact is Carson says he never knew a party on the Gila, that did not leave it starving, this I am fearful will be our case before we leave—Marched about 16 or 17 miles.

Oct. 24 The Genl determined to remain quiet to day. We have been fishing & caught nothing. Capt Johnston got up about 12 M. he caught his mule and found most of his pack. ruins of ancient buildings seen yesterday and broken crockery.[33] No fish caught, and only one wild goose killed.

25th. We left camp early this morning continued to travel along the River Gila, had a hard and rugged days march. Encamped on a high hill or rather mountain, near the river, had to pack wood & water up the hill for more than ¼ of a mile, good grass.

27. On the 26th we left camp early revallie having been sounded at 4 A.M.

Orders were issued the night before that we should have every thing prepared to start so soon as there was light sufficient to see this was represented as being a hard day—and it was not belied, it was one succession of mountains so covered with sharp stones that I do not believe our mules touched the ground once in five miles. A mule without shoes stood no chance, many could not be driven, and many from exhaustion fell by the wayside, and no effort on the part of the men could get them any farther. Some ten or twelve utterly give up—the men were coming in last night till one oclock, and five or six had to lay out in the mountains, one poor fellow lost the way and following a ravine our camp fires being in sight, tumbled over a bluff thirty feet high—but fortunately did not get hurt much. There is a mule now on the mountain opposite to us that can be driven neither up or down. The Howitzers did not get in Water had to be sent back to the men—the River from our last camp to this runs through a cañon, the water is inaccessible for any thing but a bird—therefore we were obliged to do without it all day —the men and animals suffered very much.

There was some rain last night, and it is now raining. A few days wet weather will use up the remainder of our animals, and we shall be obliged to foot it from here to California. The Genl. determined to stay still this morning until 12 M, when we start to look for grass. Our animals had but little last night.

28th—After 12 M yesterday, the Genl. concluded to remain in camp the balance of the day. Men were coming in camp all day with broken down mules, and cattle. The Howitzers got in about 1 P M—plenty of fish caught, and two turkeys killed by Mr. Stanly, the artist. This morning we are all up bright and early preparing for a start. When my cavalry were driven up I found one of them my poor old pony so used up that I was obliged to abandon him—he will I think do well and perhaps be the sire of a new race of horses in the mountains. Several mules were left also. After travelling a few miles over rough broken country, we got into the river bottom, and have come on finely all day. No hills or stone, but deep sand and plenty of dust. The River tolerably well wooded with cotton wood—some thickets of a species of wood that I do not know—the bottom was better to day than I have yet seen it on the Gila, and might be cultivated by irrigation—passed the ruins of several buildings in some places the cedar posts were standing. The buildings were evidently quite large—and pieces of crockery were scattered about in great profusion—we have found these ever since we got on the Gila. Some pieces are plane, some painted black & white, & red & black.[34] Who could have done this—there is no record nor tradition that I have heard of, of the Mexicans having lived in this country, and the present race of Indians evidently never either built so extensively or made the crockery—that they may have smashed it is quite likely as they seem to have a genius that way, in common with all the red skin rascals I have ever seen yet. The River at this point is some 60 yds broad and very rapid and quite deep it is cloudy, and has been raining in the mountains to our left all day—No game seen—yet every day we see plenty of deer & turky tracks. great numbers of the patridge of the country must rise along the river as we constantly see their tracks and occasionally a covey of birds very few water fowl.

29 Oct. This morning it had cleared off beautifully—but a few drops of rain fell last night. This evening however it has clouded up again. We have made a fine march to day, had good roads, we struck the main Indian trace used by the red rascals for going into Sonora, where they plunder the Mexicans to their hearts content, of mules, Horses, women & children[35]—This latter two articles they make slaves of. We are now in the Quietero (I believe so they are called—though I do not know how to spell the word) country.[36] They are represented by our guide as being great rascals and thieves—they will steal our mules if possible—therefore we keep pretty good guard for them—none have been seen to day, though some were seen at a distance yesterday. Saw plenty of broken crockery, but no ruins of buildings. Some of our party maintain that the buildings were erected by the Aztecs, but I do think if it were so we would hardly find cedar posts standing—though it is a wood that lasts a long time. It is said that on the Salt River a branch of the Gila, that large villages are found, & dikes &c. showing that the earth had been cultivated—the bottom of the river quite large & might be cultivated by irrigation—the river seems to be high at times overflowing the country to a considerable extent. The Engineer party I believe named a large mountain to the west of us, Mount Dallas, after the Vice president.[37] This grass is not good—long but tough and wiry.

30th Oct. To day has been pretty much the same as yesterday, only the road a little rougher—hills, &c—no game except patridges, centipedes, tarantulas & rattlesnakes, musquite bushes & cotton wood. Two Indians seen and caught to day—could not make them understand any thing, they were most infernally frightened—a few presents made to them—

31st Oct. Cloudy this morning, a few drops of rain last night. considerable rain fell near us yesterday but we caught none of it—this evening clear. Left camp ¼ to 8 oclock—marched down the River—pretty much the same as yesterday—except the country rougher and more broken. After marching some ten miles encamped, on a branch of the Gila—called I believe the San Francisco. We came thus early to a halt—about 12 M—because the great Cañon of this River commences here, and we will in all probability not be able to get water again for two days. Some Indians came and hailed us—a white flag sent out and a talk held with them, but I believe they could not be induced to come into camp. The mules are breaking down fast and our beef cattle are giving out fast. We usually kill the most foot sore, and it often happens that the poor beast cannot be made to get up—so as to be killed decently—and it is devlish poor & tough beef at that. The trail that we are now travelling is strewn with the carcasses of cattle these have been driven from Sonora by the Indians—they steal constantly from the Mexicans. This is muster day, & the rolls have been made out.

1st Nov. The guide warned us this morning that we would march but six or seven miles before we should leave the River—we would be headed off by a cañon—and it might be three days before we should see water again—this was rather a gloomy prospect—We therefore filled everything that was portable and would hold water—with that fluid—coffee pots, gourds, canteens, and some had their gum elastic cloaks made up in the shape of bags, and filled with water. We started out on an Indian trail, up the mountain. Carson had never travelled this trail, and did not know any thing of country on it but from its course he thought it best for us to follow it. We followed on up the trail & up the mountain—sometimes a very good road, then again rough. Saw many of the most beautiful amygdaloid stones—The mountains covered with fine grass, and the most enormous cactus. They were fully thirty feet high—and from 18 inches to 2½ feet in diameter. We found a nut also of very agreeable flavour. About 4 P M—we saw cotton wood to our great surprise and joy in a ravine. We at once made search, and found water, not in any great quantity yet sufficient to keep us from suffering—I had walked nearly all day—as we were constantly ascending—had but one drink of water all day. A man may easily imagine our joy when the water was discovered, as we had made up our minds to do on about a quart each for three days—and all this time our poor mules were to have none. We have made about 17 miles to day—9 of which was up the mountain.

2d Nov.—Revellie sounded this morning at 4 oclock and by day light we had breakfasted and all prepared for an early start, when we saw Indians on the top of the mountain, being extremely anxious to establish friendly relations with them, Carson was sent up to try and get them into camp, but they would not come, nor allow more than one person to approach them, and he must be unarmed—finally by leaving a hostage, one was induced to come in —he of course was received kindly, & presents made to him—then another came, when the first went back, and finally a third, who could speak a little spanish. With the last our interpreter and Carson talked—made him understand where we were going, and that we were at war with the Mexicans, and did not wish to injure the Indians, that we wanted to trade for mules and horses—All of this he seemed well satisfied with—but could not understand what the devil we wanted with the artillery. They however went off seemingly well contented, furnishd us a guide to conduct us to water, and promised to bring mules to-morrow. It is said that an American from Sonora killed their chief and several others of the tribe a few years since in the most treacherous manner, and what was the worst of it, there were sixteen other Americans in the neighborhood trapping who had received no notice of this fellows intentions and knew nothing of the murder. The Indians attacked them and killed the whole number.[38] We traveled down the mountain to day —rough road—and camped on a little stream about 2 P M. The stream is well wooded—with cottonwood, sycamore—the first I have seen in New Mexico —and ash—

3^{d}. Nov.—It being understood that we would not move camp to day, We were quite fashionable in our breakfast hour and took matters and things in the most quiet manner, every one hoping to be the possessor of a good fat mule or horse before night. About 8 oclock a few Indians made their appearance—when the quarter master—Major Swords—pitched his tents and opened shop—about twenty Indians came in fine formed, active healthy looking fellows, but most scantily provided with any thing like clothing. The red & blue cloth, with the blankets & knives were shown in the most tempting manner. After some time, a trade was made—one blanket a piece of scarlet, 4 yds of domestic—a paper of paint, two butcher knives and some rings & glasses for a mule. for this price we succeeded in getting seven mules—not fat or remarkable for sound backs either. The chief then arrived—a good looking man of some thirty five years dressed in beaver skin. This fellow first embraced the General, made a long speech to him, and as usual among Indians commenced beging. We found him the greatest beggar in the crowd —he found this unprofitable, When he wished to sell a mule for more than any one else—this the Major would not give—when the chief mounted his horse and put off since when we have not seen any thing of the red rascals— not one half came in that promised, and so ended our fond anticipations of a remount, and getting rid of a bale of Indian goods. There was one old squaw—a perfect old beggar—from the tone of her voice, dressed in fine muslin & Brussels lace—this had evidently been the ball dress of some Mexican belle[39]—in fact most of the Indians had Spanish saddles—or some part of the clothing of the Mexicans—evidently plundered. Many of their horses & mules were branded. They told us that there were now two parties on a plundering expedition into the Mexican country. We saw one boy some 15 years old, very handsome—and intelligent in his looks—who told us he was a Mexican. We wished to make up a purse to buy him—but so soon as the proposition was made his master bundled him up and put off with him—the boy did not seem to be discontented—nor did he express any wish to quit the Indians[40]—he was from a place in Sonora called St Ana—we are now within 80 miles of the settlements of Sonora. The Indians brought in the muscal [mescal]—the whole plant I think recently gathered and roasted— the heart of it was extremely pleasant—much in taste like a sweet potatoe only sweeter and more juicy they had it preserved also—as we saw it among the Apachees. They proffered us acorns—and the chief had money—plundered from the Mexicans no doubt—An old squaw showed us some metal—

which some of us thought to be ammoniate of silver. She would not part with it—at any reasonable price.

4th & 5th. Nov. On the 4th we left camp early, nothing having been seen of our friends the Pelomaroes[41]—(so the Indians are called) Our road laid over the tops of—and along the sides of the most steep and rugged mountains, occasionally we would come to a little vally—where the oak, walnut, cotton wood and ash were found—No water however—though it might be had no doubt by digging a little in the sand—towards evening we got into a little valley and reached our camp at 5½ or 6 P M having marched some 25 miles—The men were coming up until 10 oclock at night. Hammond[42] with the rear guard and Howitzers did not get up. We saw in the valley—a large trail of cattle & Indians—no doubt these were just out of Sonora.

On the 5th we left camp about 9 A.M. travelled down the river, through a cañon—still continued on the cattle trail—found a little steer left by the Indians—and encamped about 3 P M—some ¾ or 1 mile on the St Pedro—above its mouth this little stream is also called the Hog river by the Americans—from the number of wild Hogs found on it—the country passed over barren mountains, and utterly worthless—

6th. This has been a most weary day, the Howitzers being left in the mountains and the great difficulty of getting any thing along with wheels, caused the loss of another day—they have not got up yet—and the lord knows when they will arrive—though I have no doubt that Hammond and his party—have worked like devils to get the cursed things ahead. There has been no excitement—or nothing else in camp the only consolation a man has, is that his mule is feeding and may be able to carry him another day farther on the journey—our pack animals are getting in a most pitiable condition—their backs cut all to pieces—and so poor and weak that they can hardly be goaded along. Then the beef—poor and tender footed—When they get into camp, and one of them has to be butchered—he meets his death—lying down, nor can the poor devil be made to stand up long enough to be decently disposed of—every bush in the country is full of thorns—and every piece of grass so soon as it is broken becomes a thorn at both ends—every rock you turn over has a tarantula or centipede under it, and Carson says in the summer—the most beautiful specimens of rattle snakes are scattered around in the greatest profusion. The fact is take the country all together, and I defy any man who has not seen it—or one as utterly worthless—even to imagine any so barren—The cactus is the only thing that does grow, and we saw some of them yesterday—I should say 50 feet high—one was measured and found to be 45 feet high. Yesterday our rear met a party of Indians—The red rascals would have nothing to do with the soldiers but wished to trade with a Mexican who was with the party—& desired the Mexican to bring his wares to the bushes at some distance from the party—but the Mexican could not be prevailed upon to leave the company—They (the Indians) no doubt wished to murder the poor devil. I have been asleep nearly all day—waked up in a horrible humour—hope to feel better tomorrow. We are now within some fifty miles of a Mexican post in Sonora—lord if they only knew our condition I do think they might trade our Gen^l off for La Vega[43]—The Howitzers have got in so we leave in the morning bright and early.

7th. Started from camp about 8 oclock—followed the River bottom all day. The road very good—except the dust, and if you did happen to ride off of the beaten trace you stood a reasonable chance of having your mules leg broken The ground seems hollow beneath—& your animal is constantly stumbling or falling with you by sliping through up to the fetlock & sometimes nearly to the knee—The whole face of the country is perfectly barren—the only thing growing being a little cotton wood—the cactus in the lord knows how many varieties—the Artemisia & musquite. We are encamped to night among the mountains again—no game seen to day little grass in our camp—Three Indians have come in two Quiriteroes & one Navajoe[44]—our march to day has been about 18 miles. The frost has not touched the leaves of the cotton wood much—not more than it would in Missouri by the middle of Sept.—it has clouded up this evening and looks like it might rain—the wind being from the S west. The command is remarkably healthy not a man on the sick report whose disease could in any manner be attributed to the country—

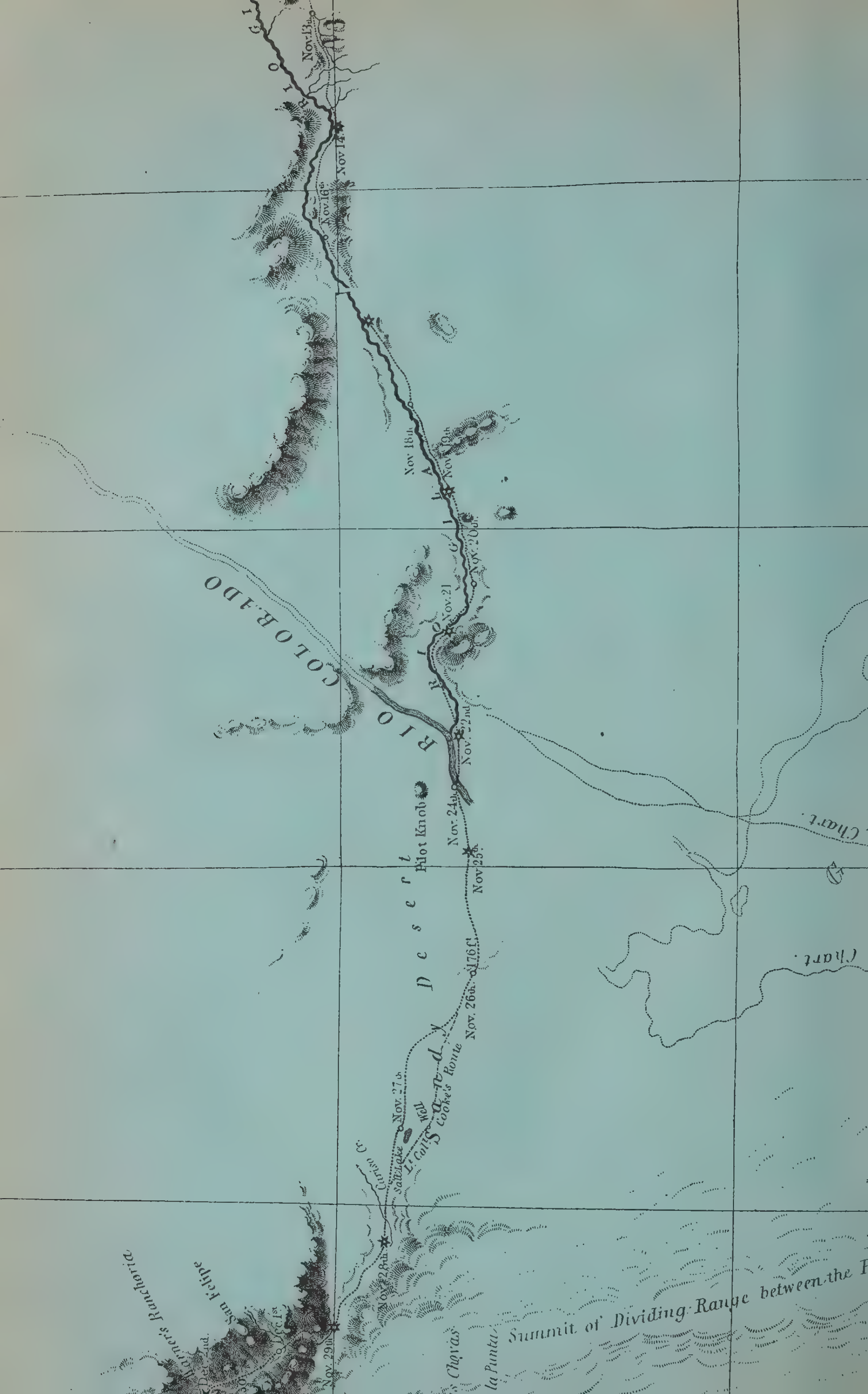
8. & 9th Nov. On the night of the 7th it clouded up and threatened a great storm of wind and rain, after blustering till about 11 oclock P M—it rained very hard, for about half an hour and then cleared off. This is the first rain of consequence that we have had since leaving Sante Fe. It was quite cool all day. We travelled through a cañon all day crossed the river very frequently which made it disagreeable, in consequence of the depth of the stream our feet and legs got wet—Our Indians staid in camp all night, promised to bring in horses, mules, & cattle, to trade, but failed to do so—this however did not disappoint us any as we have learned not to put much faith in their promises. After getting in camp tried my hand fishing, as usual failed to catch any thing—then tried it hunting, being incited thereto by seeing several geese—Killed a hawk & one patridge. little or no grass for animals, and very little seen all day—

9th Last night we had a white frost—the first I have seen on the march—and in fact the first appearance I have seen of moisture in the air—as we have had no dew—The morning quite chilly. Our course continued through the cañon for some two or three miles. This part of the cañon presented the grandest scene I have yet seen in the Rocky Mountains. The cliffs were some hundred and fifty feet & perfectly precipitous. They are basaltic I believe After leaving the cañon, we came suddenly on a large plain with mountains in the distance. One piece of good news the guide told us and that was—that we were through the mountains. No man can imagine our relief, who has not toiled through them for the last forty days on tired and damn contrary mules—The bottom almost destitute of grass and covered with musquite wood. The soil is not sandy, but is more like that found in an extremely dusty road in the States—and beaten down a little with rain—There is some sort of animal that burrows under it in every direction, which makes it disagreeable as well as unsafe to leave the beaten trail. We found more ruins, and broken crockery, and our antiquaries will persist in saying that it is remains of ancient Aztec houses. After marching some 20 miles we found a patch of coarse grass—where we encamped, our mules however seem to enjoy it very much—and well they may, for they have been on devlish short rations for the last two nights and likely to be so for some time to come—if report speaks true.

10th & 11th Nov. Our course to day still continued through the bottom of the Gila, the same powder baked for soil—but we were agreeably disappointed in finding an occasional patch of grass—the advance of our party saw what is known in this country as the Casa Montazuma, this is a house of considerable extent, and apparently fine finish, built of cement and sand, and the inside of a very fine finish. The rafters I was told by a person who inspected it, had evidently been hewn off with a stone axe or hatchet. They were of cedar. The house occupied a most commanding position—there is no tradition either among the Mexicans or Indians as to what time it was built.[45] About 6 oclock we encamped in a grassy bottom some six miles above the Pimas village, here it seems we were first discovered by the Indians—and the Genl received a message from the chief to know who we were, where we were going and with what intention we were coming into their country all of which being answered in a satisfactory manner—and being informed that we would trade for provisions, they at once hurried off and by nine o clock our camp was crowded with them with various articles to trade, such as corn, beans in great abundance—water mellons mollasses made from the prickly pair—which has very much the taste of preserved quinces—white beads and red cloth were the articles most in in demand—they came in to trade with us with the greatest confidence, showing not the slightest fear as the mountain Indians did[46]—They were most eager to trade—and kept Major S. at it till ten o clock.

11th. Our camp still full of the Indians they encamped with us last night, and accompanied us this morning to their village—which we found to be some six miles from our camping place These are an agricultural people their fields are well fenced, and the land well irrigated—they are well mounted on fine horses and mules, their houses mud hovels, thatched They raise cotton, corn & beans in great abundance, and the best mellons I have yet seen in this country. Many of them speak spanish, and alltogether, I think they live better and have more than the people of New Mexico—they are extremely honest—last night, we left every thing we had laying about as usual, nothing was missing, and to day while trading with them, theyhad free access to the tent—and not an article was missing, although they might have been stolen with the greatest ease. They are armed with the bow, bludgeon & shield, and are considered formidable by the neighbouring tribes. their bow is much larger than I have observed among any other Indian tribe—they cultivate cotton to a considerable extent—they seem to pull the plant up, about the time the pod opens, dry it & pick the wool at their leisure. They manufacture their own blankets from cotton, shirts &c. Their cloth though coarse is of beautiful texture the threads being perfectly even, and in fact it looks as well as the article commonly used for summer clothing called I believe everlasting We purchased from them for a few pounds of beads, over an hundred pounds of corn meal & flour. They place great value on the beads and white domestic is also a cash article. The men I think are below the ordinary hight, though they are muscular—and appear healthy. They wear their hair very long, many of them I think had it over two feet, they could sit upon it easily. Their women are ugly and coarse looking, have merely a petticoat girted around the loins—all the upper part of the person being perfectly naked.[47] We have succeeded in getting one beef.

12th. Nov. The trading commenced this morning most briskly again—for flour & meal and the supply was fully equal to the demand—besides the traders in meal and flour there were many others who went off sadly disappointed that they could not sell their wares—these consisted as yesterday of beans, sweet corn, shelled corn, water mellons, red pepper, & the molasses spoken of before. About ½ past 8 we left camp and marched some sixteen miles, at least ten of the number through well cultivated fields, that had been planted in cotton, Wheat Corn and mellons. They have the greatest abundance of food, and take care of it well, as we saw many of their storehouses full of pumpkins, mellons, corn &c.—their village is scattered at intervals on the river for some twenty five miles—there are two distinct bands—the Pimas, & Mericopas—each having their seperate chief—and seperate village.[48] We left some ten broken down mules with them to be turned over to Capt Cook—also one or two bales of goods—this I think will test their honesty—if they turn the goods over to Cook they certainly deserve half for their honor[49]—from the number I saw to day, and the extent of the village below where we left it—I should suppose there were fully two thousand persons. We are now trading for cattle—they value them at $10 a head. I saw them spinning cotton. This is done entirely by hand—the cotton has a very fine and silky appearance. The trade still continues These people seem to enjoy fine health. We have seen no place of burial, though we have travelled half through their village nor have I seen a man, woman or child who presented the appearance of ill health. One man seemed to have some cutaneous affection that did not affect his general health—and one or two had but one eye. There were no cases of deformity, or idiocy so commonly met with about


RIO GILA
Nov. 13th
Nov. 14th
Nov. 16th
Nov. 18th
Nov. 19th
Nov. 20th
Nov. 21
Nov. 22nd
Nov. 24th
Nov. 25th
RIO COLORADO
Pilot Knob
Desert
Sandy
176ft
Nov. 26th
Nov. 27th
Lt. Col's Well
Cooke's Route
Salt Lake
Carizo Cr.
Nov. 28th
Nov. 29th
Dec. 1st
Dec. 2nd
San Felipe
Warner's Rancheria
Chavas
la Punta
Summit of Dividing Range between the
Chart.
Chart.

our Indian Villages. They all seemed sprightly good tempered fellows—and there were as many or more children than a person would meet with in one of our new States among the same number of people—they wear their hair very long the men much longer than the women. We have had no reason up to this time to alter our opinion as regards their honesty. They have had the free range of the camp, access to any place that pleased them, allowed to handle and examine every thing, and not one article that I have heard of has been missing

13th & 14th Nov. On the 13th we had a repetition of the same scene of trading—Indians wandering about camp in all directions. The chief of the Mericopas paid us a visit, and received presents—all of which he divided out among the attendants, reserving nothing for himself. These are a much finer looking set of Indians than the Pimas, the men are larger and more muscular —on an average much taller—the women are ugly—large and fat They are people of the same habits all agriculturalists—fond of drink—offered us any price—or to trade—any thing they had for liquor. We succeeded in obtaining here two beeves—for a blanket and some 14 yds of white domestic—and one yard of red cloth. At 12 o clock we left camp—marched through a perfectly barren country. We [at] 8 oclock at night, encamped no water or grass for our animals.

14. We had revellie sounded so soon as the moon rose this morning and in half an hour was under way. The mules were nearly mad for water and something to eat—but we were obliged to drive them out though this was attended with great difficulty, for soon as their ropes were untied every one was for taking the back track, and if your eyes were off them for a minute, you found the mule gone—and probably making the best of his way to yesterdays camp. About day break we passed through a gorge of mountains —from this place to the river—it is a gentle descent we went ahead finely— and at 11½ A.M. struck the river The country is destitute of every thing save the musquite—and other kindred bushes. The cactus is from 1 inch to 40 feet—covered with thorns. After striking the river we marched down some 4 or 5 miles—and found a camp of dry grass and weeds. The river here is considerably larger than where we last saw it, as the Salt River comes in just below the Pimas—it is also a little brackish. We have marched since 12 yesterday I think about 45 miles.

15th. This being sunday and the mules still showing great fatigue from their hard march and starvation, the Genl. concluded to remain quiet for the day. The loss in mule flesh in crossing the jornado [*jornada*], 6 and a great many that could just be driven in camp.

16th.—We left camp this morning at 7½ A.M. Every thing in the way of mule flesh looking bright considering the state they were in. Marched down the River—or in its course. The bottom extends out on each side on the north to some mountains say ten miles off on the south to a greater distance—The mountains are not so high as those we have passed through—but are if any thing more rough—and jagged and forbiding in their appearance—they look black from the volcanic stone on them—this is Basalt—and we passed over a bed of it to day more than three miles—it looked like it had hardly time to get cold—since the fire left it—the country nothing but dust, sand musquite and cactus—not a bird seen except some ravens—and scarsely a spear of grass to ten feet square from this time to the mouth of the Gila. Carson says we must depend on seeds and willows immediately on the River banks for food for our mules—in spots—though they are few and far between a little patch of grass may be found, ten feet wide. This is immediately on the banks of the River and the Animal most frequently will have to stand in the water to pick the grass. We have marched 18 or 20 miles to day.

17th & 18th—One days march on the River is so much like unto another that one description will do for all that is to say—sand, dust, & a black stone, so blistered from the effects of heat that they look like they had hardly got cool—no grass, nothing but weeds & cactus. The River here is some 60 or 80 yards wide—on an average 3 feet deep and rapid. We have seen more water fowel in the last two days, than we have yet met with on the River—ducks, brant geese & swan. The cotton wood shows the effect of frost very little—not more than the same tree did when we left the Rio Grande a month since —On the night of the 17th we had considerable frost.—The mountains still continue on our right and left, and if any thing more jagged and forbidding in appearance than any we have yet passed. Some of them have the most fantastic forms. Our march for the last two days has been some 35 or 37 miles—I neglected to note a stone we passed on the 16th or rather a hill of stone—all carved up with Indian hieroglyphics—the sun moon & stars—horned frogs —Attempts at the human form divine, were the most frequent forms—they seemed to be of recent date—whether cut in sport or to commemorate some great event we could not tell—We also camped opposite to a stone last night with the names of Carsons party ca[r]ved on it as they passed from California to New Mexico last summer.[50]

19. 20. 21st 22 & part of 23 Nov. On the 19th I had to return to see a sick man left back by the rear guard, & this together with our days march cost me a ride of forty odd miles—20 of which I rode by night. Carson saw several mountain sheep and killed one. I found the command encamped on a pond—some miles from the river. On the 21st we started again made another long days march and encamped on a little slough with some poor salt grass. We found the greatest difficulty in obtaining water here as we were some two miles from the river and the thickest brush between that a man ever dreamed of, considering the thorns it was as bad as a Florida hammock. The 22d—We found this morning to our surprise and great joy that we were nearer by some days marches to the mouth of the Gila than we supposed. We started and found a tolerable patch of grass some nine miles from our last camp.

here we passed the rest of the day—suffered again for water, as it was a half days journey to the river through the chapparal—I suppose the Army of occupation would call it and if they had to pass through much of it, I think they were more to be pitied than from any danger of the enemy here. We killed a deer and two geese.

22d. Started again early. Made a long days march—passed through some very rugged sand hills, imagined all day we could discover the course of the Colorado—in the evening as we approached the river, discovered the trail of a large body of horse—supposed this to be a Mexican force sent out from Sonora to intercept us, as we rode into camp—the Gen^{l} sent Carson ahead to find the whereabouts of the enemy, and said "find them Carson and we will fight them to night." All preparations were made to guard against a night attack the Howitzers were late in getting in—every man was directed to lay by his arms loaded, and prepared for instant action. thirty men were put on guard and distributed as pickets around the camp—spies sent out. Capt Johnston and Carson went out, and returned in an hour or so, but could discover nothing. They captured some horses, and a mare and colt. This latter circumstance lead us to believe that it was traders we had to deal with, besides Carson saw the tracks of women on the sand. We thought the Mexicans would hardly bring the fair creatures out to witness a blow up with us. Lt Emory went out with a party of twenty men—and brought in 3 or 4 Mexicans—about 12½ A.M. Then we learned that they were a party of traders on their way, or rather refugees from California to Sonora,[51] that they had some five hundred horses and mules—that they had been six days crossing from the settlements in California to the Colorado—that there was but one place on the route where water could be found—that they had been lost and suffered much—that a revolution had taken place, and that a Mexican by the name Flores was at the Pueblo governor,[52] in the name of the Mexican government—that he had some eight hundred men. they did not know where Frémont was—that there was another party in the country in favour of the Americans. They numbered some two hundred and were on the road fortifyed—between St Diago [San Diego] and the puebla—that they expected assistance from the American squadron. That the Mexicans had killed several Americans—and had Robedoux prisoner.[53] We were advised not to lose time as our presence would be of great benefit to our countrymen, and I rather think not many minutes will be lost. They told us they thought the Mexicans had two pieces of artillery—and that our people had either three or five. We have sent down to examine the drove of horses so as to pick out the best for our service. They look badly, and many of them are unbroken, never having had either bridle or saddle on them. Our men are nearly naked and barefooted Their feet are sore and leg weary—They have been marching many of them for the last four or five hundred miles. Our mules are all so that they can scarcely get along with a pack or a man on their backs, only the sick have been allowed to ride lately. This is rather a bad picture for men who have a hard campaign before them, but then our powder is dry, and guns in good order and if they dont pile an unreasonable number up before us—we will be able to give them a good sound thrashing, though Moor said two weeks since that we all deserved a good trouncing for coming into such a God forsaken country, however a couple of weeks or such a matter will show every thing. We are encamped just above the mouth of the Gila about one mile and a half. The Mexicans forded the Colerado so that saves us some trouble.

Part of 23d and 24th Nov. In the Evening Lts Emory and Warner were out making observations when they came across a Mexican in the bottom—something attracted their attention to the fellow, they searched him and found that he had a mail several letters addressed to Genl. Castro the former Mexican commander in California, were found.[54] All the reports we had heard from the horse drovers were confirmed. The Mexicans were bragging like the devil of having whipped some 450 sailors with 80 Mexican Dragoons they said they took a piece of artillery from the Navy called the Teazer, that the Web footed Yankies ran like the Devil[55]—that the young men of the country are perfectly furious, that they are fiends incarnate—so I suppose we may expect a small chunk of hell when we get over there. We obtained from the drovers some 20 animals wild and broken—On the 24th I went to the camp of the drovers and witnessed one of the finest scenes I ever beheld. The Mexicans were driving about in all directions lassoing the wild horses—and our Dragoons so soon as they were caught mounted them. Some got thrown some kicked but they hung on to their animals—and finally succeeded in riding all except one fine bay mare. She was perfectly untamable—she kicked—plunged—struck—laid down—sulked & plaid the devil so completely in general—that we were obliged, to let her go. 12 dolls ahead was the price of horses and mules—or one broken down animal and two dollars to boot The drovers seemed surprised when they received pay for their animals, as they full well knew had we been a party of their own troops in a similar situation that devil a cent would they have got. They were well contented with their trade. They had a child born in their camp on the night of the 23d. We all contributed tea sugar & coffee to the mother. They had nothing to eat but penolas[56] & corn mush—no shelter. We left camp at 2 P M. & encamped on the Colorado about dark—Marched ten miles—We cross the river & take the desert in the morning—if it be a worse one than that we leave it will be desolate indeed.

25. 26. 27. & 28th Nov. We forded the Colorado on the morning of the 25th, the River nearly swiming the mules in places. We however crossed with little difficulty—our course laid through the bottom—in the evening we struck on the edge of the sand hills We passed in the bottom an old Sakiea [*acequia*] and encamped at an old well which we dug out, and obtained

sufficient very bad water for drinking and cooking. Marched some 14 or 15 miles. We had been warned by Carson that we would have nothing for our animals to live on going across the desert Every man in consequence gathered all the grass he could on the river and packed on his mule. We also found a bean on the musquite that the mules seemed very fond of—we devoted the whole evening to gather it. The bean is sweet and very pleasant to the taste. We also found another product of the musquite that the animals are fond of—this is a small spiral pod—something in form like a cork screw—several of them being on the same stalk. it contains a great quantity of saccharine matter—and the Pimas grind it up with their pinola—to use instead of sugar—Our animals got no water to night. On the 26th made an early start and marched to a place knowen as the Alamo—or cotton wood tree—here we were engaged in cleaning out an old well and diging a new one. Water was obtained late at night—the very worst it was ever my misfortune to drink. We were engaged all night in watering the animals—two buckets full each was all that was allowed—and an officer stood by to see division fairly made. Some of our mules being wild and unused to such attention refused to have anything to do with the water. When such a subject was found, the bucket had to be buried in the sand or covered with grass. My riding mule was the most refractory of all. I however succeeded at last in making him drink, by covering the water with the musquite bean. Many of the new purchased horses gave out to day—they failed even quicker than our weary and broken down animals—

27. We left camp early at 6½ A M marched till 9 P M—distance 32 miles—road heavy. The sand is much worse to go through than snow. We pushed to get to a lake—called the Lagoona by the Mexicans. When we arrived here we found it so salt that it was utterly impossible for man or beast to touch it—here the men suffered from want of water—we had nothing for our animals to pick except a little musquite brush. About 11 A M in the day, we had allowed our animals to pick a little dried up grass that we found on the plain—We found a little the day before. This probably was the only thing that enabled us to get through—& the pack forage together.

28—We left camp at 4 A M Marched hard and encamped on runing water—the Carisa or Clousa [Carrizo] Creek (I do not know how to spell it) it means the Cane creek in plain English—distance some 22 miles, here we found a little cane for our animals to brouse on and some water, the first they have had for thirty six hours. We are now over the desert. I have seen the Elephant and I hope I shall never be compelled to cross it again—The water we obtained the second night imparted such an infernal smell to my canteen that I fear I shall never be able to purify it again. The head spring of the creek near which we are encamped is warm—above blood heat it is in some hundred yards of camp—No living animal seems to make his abode on this bleak and desolate waste I do not recollect of seeing a single living thing except a crow, near our camp on the 26th two or three ants, and some half dozen large tarantulas near the creek as We came in on the evening of the 28th At the Lagoona we heard several wolves howling—but nothing that is useful to man could possibly exist in such a place. The mountains were on our left the whole way—some twenty miles distant, in front of us, and as we approached, another range seemed to commence on our right. This latter I believe is the commencement of the Sierra Navada, spoken of by Fremont. The range on our left is the coast range. On the morning of the 27 we had a fog, on the 28th a very dense one, so moist that our hair and the manes of the mules became quite wet. This I think is fog from the Californian gulph —as the wind was from the South west—and we could see it driven up before it—After getting in camp we all felt quite comfortable, and as we had had nothing like cooking for several days every man turned out the best he had —a canister of potted meat and a cup of tea—with a brandy toddy were the greatest luxuries that could be found—and we went at them with a will. We supped out. I took one supper at home—drank penola with Carson[57]—& wound up in the evening by eating again with Captain Moore—it seemed to me that there was no such thing as quenching my thirst I drank tea and water until I could stand no more, and yet I was thirsty and every one complained of the same. Many of the Messes had nothing but a pure vegetable diet—that is to say, bread—made of salt & flour & water or a little boiled corn, or beans, with not even meat enough to grease it—among the number in this situation was the general. The Engineer camp were even worse off it was reported that they had nothing at all for the men employed in the department, a Mexican who they had to herd their mules had stolen from them, and sold the provisions to another Mexican a trader who was allowed to travel with the troops. The fellow was caught in the fact—yet nothing was done with him except to put him under guard—this only goes to confirm me in my opinion formed in New Mexico—that these low Mexicans are the greatest scoundrels that are to be found any place—the question was seriously mooted whether a mule should be killed or not It was not done—but I suppose will be at the next camp—as we are fully seventy miles from any settlements.

29th.—The command left this morning about 9 A.M. Major Swords and myself live together—Upon search being made it was found two of our mules are missing—so we will have to wait until they are found, or till those who have gone out to search for the lost ones return. it is now past 1 oclock, so I think there is little hopes of our catching the command to-night—and if they dont lay by tomorrow the lord knows when we shall see them—not before they get to settlements I suppose. About half past 3 P M. our Mexicans returned from the hunt after the lost mules, without finding them, from all he could see he believed that they had been stolen by Indians, this was rendered possible as he found one of the company mules dead, and it had been butchered, the fleece being taken out as if to eat.[58] We therefore put off for our next camp with the animals we had, first one gave out, then another until we were obliged to abandon four—to pack everything in the party—both public & private animals—About 11½ oclock, we discovered a camp but as we had understood the next camp was to be at least 20 miles from our last we feared that the fire we saw, was either straglers or Indians. We therefore prepared our arms and rode forward, but to our great joy, we discovered it to be our own people—encamped at a place called the Vayeaw Chitoes—little prairies—(the two Spanish words above I think is near the sound but I cant vouch for the orthography.)[59]

30th. Our mules all standing in need of rest—and something to eat. We have remained in camp—there are several old cornfields about, cultivated by the Indians—and the advanced guard found a bale of grass from which the Indians make rope laying by the side of the stream—some of it twisted into strings on sticks—this no doubt had just been left by the owners, who fled when they discovered us—the grass is of a fine beautiful fibre—white—and I would think—as good ropes might be made from it, as the Manilla rope. They seem also to use the grass for sewing—as we found with the bale of grass—several of their needles made of hard sticks painted—& with an eye drilled through them—the grass at this place is salt, the ground being incrusted with salt, it looks very much as if a slight fall of snow had just covered the ground--the salt is even incrusted on the grass—this purges the animals and also acts as a diuretic—the fact is it seems to weaken them more, than it does good. The water is bitter and salt—and this has been the character of every drop of water that I have tasted since leaving the Gila—this land we passed over yesterday perfectly unproductive—in one place the palmetto is found—Where we are encamped is perfectly destitute of timber. The wind has been from the N.W. all the day, and rain seems to be falling in the mountains—We have had a slight mist—it is extremely cold and disagreeable—We were reduced to day to kill a horse, for provisions. Some of the men had been for several days past on one fourth of one ration per Diem.

1st Dec. This is the first day of winter, and it feels like it. The wind is from N. & W. there is a slight fall of snow on the mountains. We feel the cold sensibly, and overcoats are in demand. We met an Indian to day, he could give us little or no information as to what was going on. he told us that there were many Americans at St Diego. The country passed through to day is perfectly barren—sand and gravel in the vallies—& mica sand stone & I believe granite in the mountains. We passed through a cañon to day, so narrow that an ordinary sized wagon could not have passed. About sun down we came to an Indian village—deserted.[60] There were the remains of corn fields and pea patches. The country is in a great measure destitute of timber & we were obliged to destroy their lodges for fire wood.

2d Dec. Still cold and bleak. Passed down the vally we were encamped in last night—or rather passed up the vally—as I believe the water ran to the East. Passed over a hill, in a kind of vally—here the live oak commenced, As we passed on we found them of magnificent dimensions. We saw to our left at a distance a most beautiful vally, with timber thrown about it in clumps, in the most picturesque manner. Some of this was live oak—the other I could not tell what species of timber it was. We saw several shrubs in bloom, & yesterday I forgot to mention I saw the bloom of what I was told was the century plant. This is the muscal from which the Indians make a very pleasant preserve. About 4 P M. we arrived at Warners,[61] the extreme frontier settlement of California, this man is living very comfortably—he seems to have plenty of stock, cattle, Horses & Sheep and certainly has a fine range for them. Warner is at present at St Diego I believe a prisoner, although he is an American from Connecticut. Yet I believe he is suspected of favouring the Mexicans rather more than his own countrymen. We found an American occupying Warner's premises by name Marshall—he was from New Hampshire—he was the only white man about when we rode up.[62] There was one fellow however upon seeing us approach, an Irishman I should judge from his brogue put off—but he was soon brought back by some Indians, who were about the Ranch. A Mexican was also brought in with the Irishman—from these we learned that the Mexicans were in arms and had possession of the Puebla de los Angelos—that the Americans were in force at St Diego, some five or six ships of war being there that Fremont was advancing on the Puebla with some four hundred Mexicans [*sic*] and about one hundred Indians—that the Mexicans were well armed—and exhibited vastly more courage than they did at the commencement of difficulties in the country—We also learned that there were several detached parties of the enemy between us and St Diego. They also expected the arrival of a Mexican force escorting prisoners out of the country to Mexico. This force they thought probable would arrive in our neighbourhood to night. They also told us of a parcel of mules belonging to Flores, the leader of the Mexicans in a vally some fifteen miles from where we now are, a command is now being organized and put in motion to capture the mules if possible.[63] We have obtained a supply of beef & mutton, so let what will happen we wont starve, the Irishman spoken of above is to act as guide. I forgot to mention that we met an old fellow with all of his family & horses fleeing from the country to Sonora, from what we can learn there are a great many making preperations for the same trip. There seems to be perfect anarchy in the Enemy's camp. My Hospital mule ran off this evening & broke my panniers all to the devil

(To be continued)

NOTES

1. William Helmesley Emory, *Notes of a Military Reconnoissance, from Fort Leavenworth, in Missouri, to San Diego, in California, Including Part of the Arkansas, Del Norte, and Gila Rivers* (Washington, 1848), 30th Cong., 1st sess., S. Exec. Doc. 7; also printed as 30th Cong., 1st sess., H. Exec. Doc. 41. The latter includes Abert's notes and report and Johnston's journal and will be cited in these notes as Emory, *op. cit.* Johnston's diary is also quoted in James Madison Cutts, *The Conquest of California and New Mexico, by the Forces of the United States, in the Years 1846 & 1847* (Philadelphia, 1847).

2. [Juan José Warner, Benjamin Hayes, and Joseph P. Widney], *An Historical Sketch of Los Angeles County, California . . .* (Los Angeles, 1876).

3. *Pioneer Notes from the Diaries of Judge Benjamin Hayes, 1849-1875* (Los Angeles: Privately printed, 1929).

4. Material for this paragraph on his life was taken in the main from Henry Dwight Barrows, "Memorial Sketch of Dr. John S. Griffin," Historical Society of Southern California *Annual Publication,* IV (1898), 183-85. Harris Newmark, *Sixty Years in Southern California, 1853-1913* (Boston and N. Y.: Houghton Mifflin Company, 1930) contains many scattered references to Dr. Griffin, and the story of San Pasqual rancho will be found in W. W. Robinson, *Ranchos Become Cities* (Pasadena: San Pasqual Press, 1939), pp. 173-85.

5. The map is entitled "Military Reconnaissance of the Arkansas Rio del Norte and Rio Gila by W. H. Emory, Lieut., Top. Engrs. Assisted from Fort Leavenworth to Santa Fé by Lieuts. J. W. Abert and W. G. Peck, and from Santa Fé to San Diego on the Pacific by Lieut. W. H. Warner and Mr. Norman Bestor, Made in 1846-7, with the advance guard of the 'Army of the West,' under command of Brig. Gen. Stephen W. Kearny, Constructed under the Orders of Col. J. J. Abert, Ch. Corps Top. Engrs., 1847." It was drawn by Joseph Welch and engraved on stone by E. Weber & Co., Baltimore.

6. The dragoon camp was thirteen miles from Santa Fé. General Stephen Watts Kearny's staff consisted of Captain Henry Smith Turner, acting assistant adjutant general; Captain Abraham Robinson Johnston, aide-de-camp; Major Thomas Swords, quartermaster; Lieutenants William Helmesley Emory and William H. Warner, topographical engineers; and John Strother Griffin, assistant surgeon.

7. The first village was Algodones. Barnardeo is in reality Bernalillo. Johnston mentions a third town, Sandia. Emory, *op. cit.*, pp. 567, 568.

8. Lieutenant Emory and Captain Johnston also felt that the Americans came out second best in the horse-mule trading. Emory, *op. cit.*, pp. 46 and 568.

9. Probably Isleta. Emory says that the alcalde of Isleta was an Indian. *Op. cit.*, p. 47. Other settlements passed through on the 30th, according to Johnston, were Paharito, Padillo, and Los Lentes. *Op. cit.*, p. 569.

10. The party encamped at Los Lunas, according to Johnston. *Loc. cit.*

11. Henry Whiting Stanton, second lieutenant of First Dragoons.

12. Emory on this date mentions by name only one village, Belen, in his report, but he says that there were several well cultivated Indian rancherias near it. The camp site is not shown on his map. Emory, *op. cit.*, p. 48. Johnston mentions camping below Puebletors. *Op. cit.*, p. 570.

13. Emory calls it La Lloya and later, La Joya. On that day they passed through the village of Sabinal. Emory, *op. cit.*, pp. 48-49. Johnston states that the camp was opposite La Jozin. *Op. cit.*, p. 570.

14. Sterling Price, colonel of the Second Missouri Infantry, became governor of New Mexico upon his arrival in Santa Fé. He later served the Confederate States in the Civil War.

15. James Allen, captain of First Dragoons, had been sent by Kearny to recruit the Mormon Volunteers. News of Allen's death was received from Colonel Price. Stephen Watts Kearny to Robert Jones, Rio del Norte, October 3, 1846, Kearny Letter Book (original MS in Missouri Historical Society, St. Louis, Missouri).

16. Benjamin D. Moore, captain of First Dragoons. The town eleven or twelve miles away was the town of Polvadera. Emory and Johnston call it "Pulvidera." Emory. *op. cit.*, pp. 49, 57.

17. Philip St. George Cooke, captain of First Dragoons. The Mormon Battalion, consisting of about five hundred men, was recruited in about two weeks and mustered in at Council Bluffs, after the Mormons had begun their migration from Nauvoo, Illinois. The men were to be discharged in California at the end of their service. After Captain Allen's death at Fort Leavenworth, the Mormons marched to Santa Fé under the command of Lt. A. J. Smith, whom they heartily disliked. Cooke was ordered to open a wagon route between Santa Fé and California.

18. Edward V. Sumner, major of Second Dragoons.

19. Johnston says they camped five miles below Polvadera. Emory, *op. cit.*, p. 571. This would be a mile south of present day Lemitar.

20. Companies B, G, and I remained in New Mexico under Major Sumner. Emory, *op. cit.*, p. 572.

21. There are two Doctor Simpsons listed in Heitman's *Register*, Josiah and Richard French. Both served in the Mexican War. Unfortunately the organization in which each served is not given.

22. Thomas Fitzpatrick, the famous mountain man, who had served Kearny as guide on the campaign into New Mexico, was retained to direct the Army of the West to California. When the meeting with Carson took place, Kearny ordered Carson, who was more familiar with the California route, to act as guide, while Fitzpatrick took Carson's mail to Washington. Both men were undoubtedly disappointed at the order. Leroy R. Hafen and William James Ghent, *Broken Hand, the Life Story of Thomas Fitzpatrick, Chief of the Mountain Men* (Denver: The Old West Publishing Company, 1931), pp. 185-87.

23. Rufus Ingalls, second lieutenant of First Dragoons.

24. John Mix Stanley, draughtsman for Emory's party of topographical engineers.

25. According to Johnston, the express consisted of Corporal Joseph Clapin and a Mexican by the name of Tones. They were ordered to ride straight to Major Sumner without stopping—a distance of sixty miles. Emory, *op. cit.*, p. 574.

26. Thomas Swords, major of the Quartermaster Corps.

27. Chorbano is probably Jean B. Charbonneau, who was sent back on October 15 to act as a guide for Captain Cooke and the Mormons.

28. Henry Smith Turner, captain of First Dragoons and acting assistant adjutant general.

29. Robert McKnight had spent nine years in a Chihuahua prison before making his fortune in the copper mine, Santa Rita del Cobre. In 1828 Kit Carson had worked for him on the copper mine road as a teamster. The hostility of the Apaches had been a decided handicap. Edwin L. Sabin, *Kit Carson Days* (New York: The Press of the Pioneers, Inc., 1914), pp. 35-37. See also Emory, *op. cit.*, pp. 58-59 and 577-78.

30. Red Sleeve, Black Knife and Lasady, according to Johnston, were the three principal chiefs of the Apaches on the west of the Del Norte. Emory, *op. cit.*, p. 579.

31. John Wynn Davidson, second lieutenant of First Dragoons.

32. Abraham R. Johnston, captain of First Dragoons and aide-de-camp to General Kearny.

33. Cf. Emory, *op. cit.*, pp. 64 and 581-82.

34. Cf. *op. cit.*, pp. 65-69 and 584-86.

35. "About five miles from camp, we fell upon the great stealing road of the Apaches; it was hard beaten, and in places many yards wide, filled with horses' mules' and cattle tracks, the latter all going one way–from Sonora. . . ." Johnston, in Emory, *op. cit.*, p. 586. According to Johnston the army used the "Kiataro" (Coyotero) trail for several days, still being on it November 5. *Op. cit.*, p. 591. Ruxton notes the incursions of the Apaches and Comanches and the resulting devastation in parts of northern Mexico. George Frederick Ruxton, *Adventures in Mexico and the Rocky Mountains* (London, 1847), pp. 100-2.

36. "Quietero" is Griffin's version of Coyoteros, a division of the Apaches. The Spanish meaning is wolf-men, so-called, supposedly because they ate wolves and coyotes but more probably because of their roving habits. Frederick Webb Hodge, ed., *Handbook of American Indians North of Mexico* (Washington, D. C., 1907-10), (Smithsonian Institution, Bureau of American Ethnology, Bull. 30) I, 356.

37. Mt. Dallas was named for George Mifflin Dallas. It does not appear on Emory's map.

38. Chief Juan José was killed by James Johnson and a man named Glisson. The party attacked by the Apaches was the Charles Kent party of twenty-two, trappers on the Gila. Bancroft gives reference to Benjamin D. Wilson, "Observations" (MS), whose party was also captured on the Gila. Wilson, however, managed to escape. Hubert Howe Bancroft, *History of Arizona and New Mexico* (San Francisco, 1886-90), p. 407. Johnson acted to gain a reward offered by the then Governor of Sonora, who allowed $100 for a scalp and $25 for a captive. After luring the Indians into camp, Johnson fired a six-pounder among them, killing a large number. Emory, *op. cit.*, p. 71.

39. Cf. Emory, *op. cit.*, pp. 73 and 590.

40. Cf. *op. cit.*, pp. 73 and 74.

41. Pinaleños, a division of the Apache, noted for their warlike character and hostility toward the United States. They carried on extensive raids on Sonora and Chihuahua. Hodge, *op. cit.*, II, 254.

42. Thomas C. Hammond, second lieutenant of First Dragoons.

43. General R. Díaz de la Vega, who was captured by the Americans at Resaca de la Palma in May 1846.

44. Emory says these Indians were of the Piñon Lano (piñon wood) tribe. Johnston calls them Apaches. Emory, *op. cit.*, pp. 78 and 594.

45. Casa Montezuma was also called Casa Blanca. Hodge points out that it should not be confused with Casa Grande. Hodge, *op. cit.*, I, 210. For a detailed description of the ruins see Johnston, in Emory, *op. cit.*, pp. 596-99.

46. The Pima, a division of the Piman family living in the Gila and Salt River valleys. They were a peaceable yet courageous people. Hodge, *op. cit.*, II, 252.

47. See also Emory's and Johnston's description of the Indians in Emory, *op. cit.*, pp. 82-85 and 599-602.

48. The Maricopas, an important Yuman tribe living with and below the Pima. Maricopa is their Piman name. Although each has a separate language, not understood by the other, the Maricopa and Pima joined for mutual protection against the Yuma and have lived together ever since. Hodge, *op. cit.*, p. 806.

49. For honesty of the Pima see Griffin's entry of March 10, 1847.

50. "This point Carson calls Independence Rock." Johnston, in Emory, *op. cit.*, p. 605.

51. Cf. *op. cit.*, pp. 95-96 and 608-9.

52. José María Flores had been elected governor of California by a decree of the assembly, October 26, 1846.

53. Louis Robidoux, brother of Antoine Robidoux, the guide, was captured at the battle fought at Chino ranch on September 26 and 27. Hubert Howe Bancroft, *History*

of California (San Francisco, 1886-90), V, 311-12. There are many versions of the spelling of the name Robidoux.

54. General José Castro fled from California August 10, 1846, when Commodore Robert F. Stockton marched into Los Angeles.

55. This is the Mexican version of the battle of Dominguez Rancho, October 8, 1846, and is, on the whole, fairly accurate. Captain William Mervine landed his sailors from the *Savannah* at San Pedro and attempted to march to Los Angeles, in an effort to retake the city after the surrender of Lt. Archibald H. Gillespie and his garrison. Because of the lack of artillery, Mervine was forced to retreat to his ship. The number of Americans engaged has been variously reported. Bancroft says 350; Mervine, 288; Gillespie, 310; however, the adjutant's report for October 7-8, 1846, gives the detailed account and a total of 299, which must be accepted as correct. Henry W. Queen, Adjutant's Report, Dominguez, October 7-8, 1846 (original MS in Office of Naval Records and Library, Washington, D. C.). Bancroft gives the Mexican force as 110, which may be considered accurate. Bancroft, *History of California*, V, 318-19. The piece of artillery used by the Mexicans was not taken from the Americans but was the "Old Woman's gun."

56. Pinole is a meal of parched maize, mixed with sugar and spice.

57. ". . . a handful [of pinole] in a pint of water makes a most cooling and agreeable drink, . . ." Ruxton, *op. cit.*, p. 197.

58. The "fleece" is the flesh covering the ribs. Mountain men considered the fleece of the buffalo particularly choice. Ruxton mentions it many times.

59. Vayeaw Chitoes is probably Vallecito. Johnston calls the place "Bayou Cita." Emory, *op. cit.*, p. 612.

60. San Felipe.

61. Jonathan Trumbull Warner, known in California as Juan José Warner, had come west for his health. After residing in California for several years he had applied to the Mexican Government for a land grant, which was approved in 1844. An additional acreage was granted to him in 1846. Joseph J. Hill, *The History of Warner's Ranch and Its Environs* (Los Angeles: Privately printed, 1927), pp. 101-11.

62. William Marshall, a deserter from the *Hopewell* at San Diego, in 1845. In 1851 he was hanged for having instigated the Pauma massacre. Bancroft, *op. cit.*, V, 567.

63. "Lieutenant Davidson, with 25 men, was dispatched with Carson and Sanders, to see if we could get a remount . . ." Johnston, in Emory, *op. cit.*, p. 614.

The maps illustrating this article are reproductions of portions of "Military Reconnaissance of the Arkansas, Rio del Norte and Rio Gila by W. H. Emory . . .," 1847, drawn by Joseph Welch, which accompanied Emory's *Notes of a Military Reconnoissance*, 30th Cong., 1st sess., S. Exec. Doc. 7 (1848).

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The Territory of Nataqua

An Episode in Pioneer Government East of the Sierra

By William Newell Davis, Jr.

ON April 26, 1856, the Roop House in Honey Lake Valley, in the southern extremity of what is now Lassen County, was the scene of an interesting gathering. Twenty settlers, avowedly preoccupied with the future of the eastern slope, had come together in "mass convention" to draw up the law of the valley and reduce to writing the regulations which assured the homemaker fair play in regard to his property rights, "deemed necessary and advisable in view of the settlement of said valley."[1] In the chair as presiding officer was Peter Lassen, while Isaac Newton Roop, suitably supplied with writing materials, carefully recorded the proceedings. But the group did not stop at regulation. "Inasmuch as Honey Lake Valley is not within the limits of California, the same is declared a new territory . . . the said territory to be named Nataqua,"[2] declared the convention. An equality of authority with the distant lawmakers was not difficult to assume in the wilderness; Nataqua was frontiering self-reliance in action.[3]

The "Territory of Nataqua" was bounded on the north and south, respectively, by Oregon and the line of the 38½° north latitude, and on the east and west by the 117th and 120th meridians of longitude west from Greenwich. The new state was some 240 miles long and 155 wide, and included the unsuspecting six hundred inhabitants of Carson, Eagle, and Washoe valleys in present-day Nevada. The thoroughness with which these twenty men did their job was marred by the fact that they excluded themselves from their state, creating a territory in which they did not live. Roop's cabin was thirty-five miles *west* of their dominion.

The "territory" of the Honey Lakers has come in for a good deal of ridicule. The creation has been called "a crack-brained enterprise which never materialized,"[4] and worse. Less harshly, the project has been characterized as an "abortive movement,"[5] "an interesting political fiasco,"[6] and "a scheme of gallantry."[7] A complete inspection of the work of the twenty pioneers reveals, however, that there was less absurdity in it than the above descriptive phrases would lead one to believe. It is true that the grandiosity of the first article of the compact, in which the vast bounds of the "territory" were fixed, lends an amusing aspect to this germination of the political impulses of the settlers, but, in actuality, the first section, proclaiming the creation of Nataqua, was nothing more than a front display and was less important to the business of the group than the nineteen sections that followed. All of the men in the valley in April 1856 were landowners; land ownership called for public records; the high mountains rendered the officials of California inaccessible, those of Utah were non-operative; the settlers were forced to rely upon themselves.

Most of the twenty sections of the "territorial" laws adopted were concerned with matters of land. Each male settler of twenty-one years of age was allowed to claim 640 acres; provisions were outlined for posting, recording, and surveying the location; a town site was planned; water rights were guaranteed; arbitration was declared the means of settling disputes; trade in liquor with the Indians was banned; a recorder and surveyor were provided for; six roads were declared public; and the settlers pledged themselves to abide by their enactments. Closely akin to miners' laws[8] and other government-on-the-spot, the work of the settlers was a sensible handling of a peculiar situation.

The "Territory of Nataqua," then, was a frontier land club or claim association,[9] designed to protect the property rights of the individual squatter until regular government reached the area. It is easily conceivable that the settlers might have drawn the same body of law without going through the motions of creating a "territory." The "Territory of Nataqua," as such, in all probability was not considered of much consequence by its framers. At the same time, it is not likely that they viewed the scheme in a humorous vein. The territory *idea*, however, was advanced in seriousness, it is thought; for the settlers lived in a region which lacked government, and the western Great Basin had not been satisfactorily organized; it was not too much to believe that in the future a territory would be formed, not the "Territory of Nataqua" perhaps, but a territory for the whole area. Nataqua was of double dimensions, "a state of mind," symptomatic of a political need, a pointer in the direction of future organization, and an active, going squatters' rights association, sanely assuming the responsibility of securing local stability.

The officers chosen to supervise Nataqua's laws were Isaac Roop, recorder, and Peter Lassen, surveyor. As has been noted elsewhere, in the next six years Roop recorded some 299 claims, leaving a complete picture of this phase of the occupation of the valley in his record book.[10] A typical claim reads as follows:

> NOTICE[11]
>
> I the undersign Claim Six hundred and forty Acres of land in this valley for farming purposes Commencing at this Stake and runing Westerly three quarters of a Mile thence North one Mile thence East one Mile thence South one Mile and thence to the place of begining
>
> May 10th 1856 R. I. Scott
>
> A true Copy. Don at My Office this 24th day of May A.D. 1856
> Isaac Roop Rec
>
> The above claim lies East of Lassen some
> 19 miles on the south side of Honey Lake.

In another book Roop kept a record of the various meetings of the settlers, with resolutions, accounts of arbitrations, and the like. The whereabouts of this book is not known. Lassen's book of surveys is also missing.

The first entry in the civil records of Nataqua was occasioned by the drowning of Isadore Meyerowitz in Honey Lake in July 1856. At a settlers' meeting on July 15, George Lathrop was elected administrator of the deceased's estate, and three others were elected appraisers.[12] An inventory, listing articles to the value of $625.75, was filed on July 30. The second entry was made on July 27, when Roop and Lassen were formally sworn as officers of the "territory" and George Lathrop took the oath as administrator.[13]

Disputes calling for arbitration were numerous. According to the settlers' law, a board of citizens, with the recorder as chairman, reviewed each case and rendered a final decision. The first case was heard on August 10, 1856, when the charge of Florence Smith, that J. B. Mankins had taken "possession of a certain tract of land belonging to her," was considered by the settlers.[14] Mrs. Smith was upheld in the award, but was ordered to have the contested property surveyed within ten days or forfeit the title. In July 1858, the land of the estranged partners, Joseph Lynch and Anthony Barlow, was divided equally between them by two arbitrators,[15] and later in the summer at the report of Manley Thompson that three newcomers were building a cabin on his land some thirty settlers gathered "to arbitrate" the matter, quickly disposing of the claim-jumping when Thompson agreed to purchase the trouble-making logs.[16] On August 29, 1856, Roop appointed I. Ely and J. H. Patty as deputy recorders, and shortly thereafter left to spend the winter in Shasta.[17] Dissatisfied with the substitute officials, the settlers met on November 16 and elected A. G. Hasey "Recorder pro tem to fill the vacancy of Mr. I. Roop until his return to the Valley."[18] The "territory," in some way at least, was functioning.

The news of the creation of the "Territory of Nataqua" appeared in the Shasta *Republican* on May 17, 1856, in accordance with the instructions of the settlers to the secretary,[19] and shortly the newspapers on its exchange list publicized the project in their columns.[20] Notice was given primarily to the settlers' "Declaration of Independence" and to the participation of Peter Lassen in the enterprise.[21] Otherwise little comment was elicited; the day was one of endless territorial schemes; Nataqua was no oddity. Nonetheless, one result of the publicity was a quickening of immigration to Nataqua, "or the Territory of Roop, better known as Honey Lake Valley," on the part of stockmen, miners, and homeseekers.[22] By the end of 1856 all the good land at the head of the valley had been claimed and had been properly recorded under the laws of Nataqua.[23]

When, on August 4, 1857, the Plumas County Board of Supervisors created Honey Lake Township on their transmountain frontier,[24] the citizens of the valley were stirred to meet the challenge to their independence, and soon assembled to make clear their stand.[25]

> Whereas, we, the citizens of Honey Lake Valley, entertaining very reasonable doubts of our being within the limits of the state of California, and believing that until the eastern boundary of the state of California is determined by the proper authorities that no county or counties have a right to extend their jurisdiction over us, therefore be it Resolved by the citizens of Honey Lake Valley in Mass Meeting assembled that we consider the action of the Board of Supervisors of Plumas County an unwarrantable assumption of power.[26]

Thus began the preamble of the statement drawn on August 29, 1867, by the settlers at Manley Thompson's ranch. Of the thirty-three signatories of the statement, five, Peter Lassen, George Lathrop, Joseph Lynch, R. J. Scott, and William Hill, had affixed their names to the Nataqua document.[27] Isaac Roop, who had been in Carson Valley on August 8, probably was not in Honey Lake Valley at the time.[28]

By 1857 the leaders of Honey Lake were working in close co-operation with other settlers on the eastern slope, in the movement centered in Carson Valley for the severance of the political ties of Utah and California and the creation of a new territory on the western rim of the interior plateau. The agitation for the project began in Carson as early as 1851,[29] where for two years white men had been living in the vicinity of Genoa.[30] The creation of Carson County by the territorial legislature on January 17, 1854, its organization in 1855 by the Mormon elder, Orson Hyde, and the arrival of sixty Mormon families in the spring of 1856, firmly secured the Carson country as an outpost of Salt Lake, promising the region a Mormon-controlled future.[31]

"Unless active measures are soon taken to supplant them," declared the Grass Valley *Telegraph*, in alarm over the rapid increase of the Mormon population on the eastern slope, "they will soon be in actual possession of both territory and population sufficient to erect at least three States in and about the region of the 'Great Basin.' "[32] The proclamation of Brigham Young in the summer of 1857, calling upon his people to return to the defense of the church at Salt Lake, thought to be imperiled by the United States Army, ended the Mormon domination of the valley.[33] On September 25, 1857, a train of 985 obedient churchmen, with 148 wagons, 710 head of livestock, and $25,000 in cash, left Eagle Valley and began the trek across the desert to Salt Lake.[34]

The impact of the exodus was at once visible; traders were left idle in their shops, and what local government there had been collapsed. "In consequence of this departure, the neighborhood of Carson Valley seems a little dull," wrote one of the remaining settlers.[35] Furthermore, the Mormons[36] had carried off practically all of the firearms and ammunition in the valley, leaving the area relatively defenseless before the Indians.[37] By the spring of 1858 the last of the stragglers had gone.[38] Carson Valley was forced to begin life anew.

The movement for a new western basin territory reached visible heights on August 8, 1857, when the largest convention, thus far, assembled at Genoa to speed the project into maturity.[39] One of the four vice-presidents elected was Isaac Roop, of Honey Lake Valley, who had come to represent the upper end of the eastern slope in the larger territorial movement which had absorbed Nataqua's gesture of independence. The interests of Honey Lake had found a champion in Carson Valley. A memorial vigorously presenting the facts of the eastern slope geography, detailing the unfortunate plight of Honey Lake Valley in being tied to a political state from which it was physically barred, and proposing the boundaries for the new territory, was inscribed and sent to Congress under the care of James M. Crane, chosen delegate to Washington.[40] A committee of twenty-seven, five of whom were named from Honey Lake, was appointed to keep the issue alive and rolling in the direction of success.

The beat of the Genoa convention was picked up in the valley of Honey Lake. Gathering in "the town of Nataqua" on October 3, 1857, the settlers placed Peter Lassen in the chair and looked to the business at hand.[41] While a committee was drawing the agenda,[42] Judge Crane, now carefully gauging his political availability,[43] responded to the call to address the group and in the course of the next hour presented "an able and instructive review of the policy of the government from 1798 to the present."[44] Despite the finding of the unofficial Kirk survey in the fall of 1857 that most of the valley was in California, the group "Resolved that it is the unanimous opinion of the people inhabiting Honey Lake Valley, that we are not living within the limits of the State of California."[45] Another of the seven resolutions pointed to the fact that before the settlers had developed the valley the authorities of California "never claimed jurisdiction over any of the spurs, foothills, and valleys east of the Sierra Nevada." The proceedings of the Genoa convention were approved and Judge Crane was given a vote of confidence. A committee was appointed to request the legislature of California to give up its "real or supposed claim" to the eastern slope. "If any attempts are made to coerce or to bring us under subjection to the jurisdiction [of California before an official survey of the boundary is made]," declared the body, "we shall resist such attempt with all the power we can command." In conclusion, the group called upon Mr. Harden's band for a few "martial airs."

The reaction in California to the proclamation of the men of the eastern slope was not favorable. "These hot spur resolutions smell of war, and have a decided odor of treason," commented the Shasta *Courier*.[46] "The Honey Lake Valleyans are going to have a government of their own, *nolens volens*." The attitude of the Honey Lakers was deplored: "they are emphatically angry at somebody, and indicate a state of mind suitable for 'treasons, stratagems, etc.' " Caution was advised; "there is no necessity for getting mad about the matter"; it was to be remembered that "anger begets anger and opposition." Then, in a humorous vein, the *Courier* attributed the belligerent attitude of the settlers to the influence of Judge Crane; "any merely mortal man," it asserted, "after being forced to listen an hour to Judge Crane, will be in a fit state of mind to do any desperate deed."[47] The resolutions were elsewhere counted "angry and warlike,"[48] and "saucy."[49] "We should never be led to suspect," stated the *Daily Alta California* in San Francisco, "that they emanated from a 'Honey region,' as they are particularly vinegarish."[50]

In Genoa the resolutions were received with sympathy. Meeting on October 17, 1857, the Carson Valley separatists endorsed the Honey Lake plan to appeal to the California legislature and reiterated their stand of August 8.[51] Judge Crane soon left for Washington, and the promoters relaxed, to await the favor of the capital.

The adaptability of the Honey Lake inhabitants to the exigent vicissitudes of frontier life was never better demonstrated than during the Indian outbreak in mid-October 1857.[52] Scarcely a fortnight after acrimoniously addressing the Golden State, the settlers were beseeching their fellow Californians to come to their aid.[53] From "Honey Lake Valley, Plumas County, State of California," came the appeal for armed reinforcements.[54] In heed to the call, sixty stand of arms were sent from the state arsenal,[55] and a party from Sierra Valley went to the settlers' assistance.[56] The complete reversal of the Honey Lake attitude naturally called forth extensive newspaper comment in California. The "very foolish action of a number of bankrupt merchants, and speculators in declaring at a recent public meeting, that Honey Lake Valley was not of the jurisdiction of the State of California," was viewed in San Francisco as an obstacle to the protection of the eastern-slope frontier.[57] "After passing the above resolutions," reasoned a Sacramento newspaper, "it looks a little strange to see the same men applying to the State of California to assist in protecting them. . . . Men of such independence and self-reliance, we should naturally conclude, felt themselves abundantly able to protect themselves."[58] It was recommended that before any more help was sent to the valley, the Honey Lakers be required to take an oath of loyalty to California.[59]

With the territorial project apparently launched, and biding their time for its creation, the settlers of Honey Lake Valley, in "that little, out-of-the-way nook of civilization,"[60] again turned to purely local matters. The old land laws of Nataqua of 1856 had been found of useful purpose. Yet the time had come for an enlargement and revision of the code in the light of the new conditions in the valley. Adopted on February 13, 1858, the "Laws of Honey Lake Valley" were a revitalization of the earlier claim association, designed to provide a frame of local government until the territorial authorities assumed their offices.[61]

As before, 640 acres were allowed each male over twenty-one years of age, but a schedule of development was added, requiring investments of

12½ cents an acre to be made within thirty days and increasing to a total of $1.00 per acre by the end of the first year.[62] Plowing, the planting of fruit trees, fencing, and building were acceptable improvements. Provisions were made for representation of locations by substitutes, for fractional claims, and for the protection of water rights. The valley was divided into districts, and a recorder elected for each, with whom all claims and transactions were certified.

The arbitration method of disposing of disputes, as initiated by the "Territory of Nataqua," had proved so satisfactory that the system was continued, with elaboration. Each district was authorized to elect three arbitrators who were empowered to render decisions on "all difficulties, disputes, and suits at law, of any nature."[63] A decision could be appealed within ten days to the arbitrators of another district; should the second decision agree with the first, the case was closed. But if the second division reversed the first, a special board of seven citizens, three chosen by each party, and a seventh by the six, rendered a final disposition of the case by a majority vote.[64]

During these years of self-government, Honey Lake Valley, though officially organized as a Californian township, was little molested by the Plumas officials.[65] The uncertainty of the boundary and the possibility that the eastern slope would be detached from California and added to a new territory encouraged them to hold in abeyance their jurisdiction over the area. Honey Lake could best be let alone until it was "knocked off the fence," one way or the other. The "on-the-fence" status of Honey Lake Valley is one of the principal reasons that the settlers were able to maintain a spirit of independence. The occasional meetings were also welcome features in the lonely life of the valley. Get-togethers, begot by loneliness, took the natural path of resolution.

Meanwhile, in Washington, Judge Crane was enthusiastic over the prospect of the immediate creation of the "Territory of Sierra Nevada," with western limits along the ridge of the Sierra. It was known that President Buchanan favored the plan.[66] Writing from the capital on February 18, 1858, Judge Crane informed his constituents that the enactment of the measure appeared certain.[67] Sentiment against Mormonism had reached a crest after the Mountain Meadows Massacre in September 1857,[68] and any scheme to compress the limits of its sphere of influence would command support. A month later Crane wrote that the creation of the territory was "a dead moral certainty" and that he expected to leave Washington on May 5 with the commissions for the officers.[69] The Committee on Territories in the House of Representatives, on May 12, 1858, reported a bill to organize the territory.[70] The next day the project suddenly lost its momentum. Recommitted to the Committee of the Whole on the State of the Union, the bill did not again reach the floor. When Representative George W. Jones of Tennessee declared, "we certainly do not want any more Territories at this time," the prevailing sentiment at large was sounded. Times were not propitious for the Carson plan.[71]

Disappointed, Judge Crane returned to the West and advised the settlers to form a provisional government for the protection of life and property.[72] An index of the growing population of Carson Valley at this time is the appearance of the first issue of the *Territorial Enterprise* in Genoa, on December 18, 1858, pledged to urge "the propriety, yea, the necessity of the speedy organization of a Territorial Government of our own."[73]

The common interests of Honey Lake Valley and Carson Valley in a great measure were based on commercial relations. For example, in 1858 wheat was hauled from Honey Lake to Genoa for milling,[74] and hay, lumber, and other supplies from California east of the Sierra found a market in the region.[75] The opening of the Humboldt mines in the early 1860's also increased the commerce of the eastern slope.[76]

The final effort of the western basin settlers for a territorial organization took form on July 18, 1859, with the assembling of forty-four duly elected delegates at Genoa.[77] The ten-day convention was the answer to the inactivity of Congress; the settlers would set up a territory of their own. The membership of the body showed wide representation: Honey Lake Valley—12 delegates, Carson Valley—12, Eagle Valley—12, the Humboldt–4, Long Valley—3, and Walker River—1.[78] Present day Lassen, thereby provided slightly more than one-third of the convention's personnel.[79] J. J. Musser of Eagle Valley was elected president, John F. Long, secretary, and Isaac Roop again served as one of the four vice-presidents.

The uncertain status of the gathering was settled, after some argument on the part of those who sought the election of another body, when it was voted that "this Convention considers itself a Constitutional Convention, and do now proceed to perform all functions legitimately appertaining thereto.[80] A five man committee was appointed to draft the essential document: John H. Neale, of Honey Lake, a member, and Albert A. Smith, its clerk, and others were charged to write the memorial, resolutions, and declarations representative of the body's sentiment.[81] On Thursday, July 21, the "Declaration [of Independence]" was adopted; "a long train of abuses" suffered under Mormon rule was included for a "candid and unprejudiced public" to review; "Therefore, believing in the rectitude of our intentions and believing the time has arrived, we make known and declare our entire and unconditional separation from Eastern Utah."[82] After a five-day debate the constitution was adopted on Thursday, the twenty-eighth, its eleven articles treating the necessary elements of a territorial government.[83] A governor and secretary, a bicameral legislature, and a judicial system were provided.

In the boundaries, the controversial crest of the Sierra was employed, from the Oregon line to the 35° north latitude, safely including the politically orphaned eastern slope.[84] Of the nine territorial districts created, Lassen-Modoc formed the larger part of the first three, each of which was entitled to elect one councilman and two delegates to the territorial legislature.[85]

A canvass of the election returns for the territorial delegate to Congress was made by the convention before adjourning.[86] By a vote of 439 to 378, Judge Crane defeated Major F. Dodge for the office. In Honey Lake Valley the judge was remembered with favor, the returns in that precinct giving him a 50-vote margin in the 84 ballots cast.

The work of the Genoa convention was presented to the electorate on September 7, 1859, when the constitution was easily ratified.[88] At the same time, Isaac Roop, of Honey Lake Valley, was chosen "governor" over John A. Slater. In Salt Lake City, the *Salt Lake Mountaineer* derided the seriousness of the separatists, and made light of the alleged grievances. "Each man of the three or four hundred who are citizens of that majestic sovereign territory ought to have an office," declared the *Mountaineer*, ". . . But do not be afraid, Sister Nevada; we shall not contest your right to a divorce."[89]

On December 13, 1859, Isaac Roop took the oath of office as "governor" before F. M. Preston, United States commissioner of the Second Judicial District, Utah Territory.[90] At the home of J. B. Blake, in Genoa, on the evening of December 15, a few members of the council and assembly gathered to attend to the government business, elected officers, and then sat back to listen to the "governor's" message.[91] The "governor" appraised the situation with wisdom. "The recent discoveries of gold, silver, copper, and lead mines have caused an influx of population totally unexpected at the time of our late convention," he stated.[92] The Comstock Lode had been discovered; the rush to the Washoe was on.[93] "Now, therefore, I, Isaac Roop, Governor of the Provisional Territorial Government of Nevada Territory, believing it to be the wish of the people still to rely upon the sense of justice of Congress . . . do proclaim the session of the Legislature adjourned until the first Monday in July, 1860."[94] Further action at this time was deemed "impolitic."

Meanwhile, J. J. Musser, the territorial delegate elected on November 12, 1859, to fill the vacancy caused by the sudden death of Judge Crane at Gold Hill,[95] was on his way to Washington to continue the drive for Congressional action.[96] Although the provisional legislature did not again assemble, "Governor" Roop remained active throughout the first half of 1860, engaged in the pestiferous Indian relations of the "territory."[97]

Once the importance of the mines of the western basin was demonstrated the appeals from Carson Valley took added meaning in the halls of Congress. On March 2, 1861, the Territory of Nevada came into official being.[98] Lassen-Modoc, it has been noted, was included in the provisional bounds of the territory. The "Territory of Nataqua" had come to naught; yet the same purposes that supported it, in co-operation with common interests elsewhere, finally had been recognized. It appeared that the settlers of Honey Lake Valley were at last within the government of their choice.

NOTES

1. *Illustrated History of Plumas, Lassen and Sierra Counties* (San Francisco: Fariss & Smith, 1882), pp. 344, 345; Asa M. Fairfield, *Fairfield's Pioneer History of Lassen County, California* (San Francisco, 1916), p. 46.

2. Nataqua (or Natauqua) is the Paiute word for "woman." Harry L. Wells, "The Sage-Brush Rebellion," *Overland Monthly*, New Series, XIII (March 1889), 255.

3. The Shasta *Republican* of May 17, 1856, carried a complete record of the proceedings; *Illustrated History* . . ., pp. 344-46, and Fairfield, *op. cit.*, pp. 46-49, contain the laws of Nataqua *in extenso*, reproduced as follows:

"A NEW TERRITORY FORMED AT HONEY LAKE VALLEY.—LAWS AND REGULATIONS FOR ITS GOVERNMENT

Adopted April 26, A.D. 1856

"Pursuant to previous notice, the citizens of Honey Lake valley met April 26, A.D. 1856, in mass convention, at the Roop House, for the purpose of forming such laws, rules, and regulations as are deemed necessary and advisable in view of the settlement of said valley.

"The meeting being organized by the election of Peter Lassen to the chair, and Isaac Roop secretary, the following laws were unanimously adopted by the citizens:

"Sec. 1—Inasmuch as Honey Lake valley is not within the limits of California, the same is hereby declared a new territory, and the boundaries thereof shall be as follows, viz.: Beginning at a point where the 38½ degree of North Latitude crosses the East line of California; thence East to the 117 degree West Longitude; thence North to the 42 degree North Latitude; thence running West to the 120 degree West Longitude; thence south to the beginning; the said territory to be named *Nataqua.*

"Sec. 2—Each actual male settler twenty-one years of age shall have the right to take up a claim of six hundred and forty acres.

"Sec. 3.—Any person taking up a claim shall put up a notice describing the boundaries of said claim as near as possible, and also cause the description to be placed on record.

"Sec. 4.—All claims shall be surveyed within ninety days from the date of the putting up of the notice and recording, and said survey, together with the recording, shall be done in the presence of the claimant.

"Sec. 5.—All claims so taken up and surveyed shall be improved or occupied by the claimant or his substitute.

"Sec. 6.—All that tract of land lying between Roop's house and the timber on the West, and between the top of the bluffs on the North side of the Susan River and three hundred yards west of the Emigrant road, Roop shall cause to be laid out in a town plat, and each settler shall be entitled to one lot in said plat, provided he causes a building to be placed thereon by the first day of May, A.D. 1857. All portions of said plat not claimed and improved according to the provisions of this section shall belong to said Roop.

"Sec. 7.—Any claimant shall have the privilege to settle on or improve a town lot or his claim, and that either shall be held as an improvement of his claim of six hundred and forty acres.

"Sec. 8.—No person shall divert water from the original channel to the injury of any prior occupant.

"Sec. 9.—All difficulties and disputes shall be settled by an arbitration composed of the citizens of the valley, and all decisions of this board shall be final.

"Sec. 10.—No person shall sell, trade, or in any other manner dispose of any spirituous liquors to the Indians; and any person or persons misusing, maltreating, robbing, or stealing from the Indians shall be considered an offender, and upon any person making a complaint in writing to the Recorder that such offense has been committed, the Recorder shall forthwith summon the citizens together, and they shall form a board of arbitrators, and after hearing all the evidence, they shall determine and assess such punishment as they may deem proper.

"Sec. 11.—The Recorder shall be chairman in all such boards, and shall keep a docket of all proceedings had in said boards, said minutes to be recorded in a book. In the absence of the Recorder, a majority of said board shall elect a chairman, and majority shall decide all business of said board.

"Sec. 12.—That there shall be a Surveyor and Recorder elected to hold their office until their successors are elected and qualified.

"Sec. 13.—That there be declared a public road, as follows: beginning at the boiling springs on the North side of Honey Lake, thence to run in a Westerly course on the North Bank of Susan River to the Roop House; said road to be one hundred feet wide, and named Emigrant Road.

"Sec. 14.—That there be declared a public road as follows: beginning at the Roop House, and to run to the Big Meadows on the north fork of Feather river; said road to be one hundred feet wide, and named Lassen road.

"Sec. 15.—That there be declared a public road as follows: beginning at the Roop House, and to run a westerly course to the East line of California; said road to be one hundred feet wide, and named Shasta Road.

"Sec. 16.—That there be declared a public road as follows: beginning at a point on the Emigrant road three-quarters of a mile East of Roop's East line, and thence to run south to the south-east corner of Smith's ranch; thence southerly to the south-west corner of Hasey's ranch; said road to be eighty feet wide, and named Gold Run road.

"Sec. 17.—That there be declared a public road as follows: beginning at the south-west corner of Hasey's ranch, and thence to run easterly to the south side of Honey Lake; thence to the Truckee Meadows; said road to be eighty feet wide, and named Honey Lake road.

"Sec. 18.—That there be declared a public highway as follows: beginning at the south-east corner of Meyerowitz's ranch, on Honey Lake road, and thence to run North to the Emigrant Road; said road to be eighty feet wide, and named Central road.

"Sec. 19.—That Isaac Roop was elected and qualified a Recorder, and Peter Lassen was elected and qualified a Surveyor, and each shall act in his respective office from this date.

"Sec. 20.—That to a strict adherence to and fulfillment of the above laws and regulations, we, the undersigned, permanent settlers of Honey Lake valley, pledge ourselves and our honor, each to the other, to stand to and abide by the same, and defend them inviolate.

"In testimony whereof, we the undersigned, hereunto set our hands and names this twenty-sixth day of April, A.D. 1856.

Peter Lassen
Isadore Meyerowitz
G. W. Lathrop
Isaac Roop
Joseph Lynch
R. J. Scott
E. Dow
Paul Hulsa
W. S. Davis
John A. Strode
Wm. Hill
L. C. McMurtre
E. W. Shaw
W. T. C. Elliott
M. T. Shores
M. Mason
David Hescock
A. G. Hasey
E. Smith
Marion Lawrence

"I hereby certify that the above is a true copy of the original.

Isaac Roop, *Re'd.*

"The following was omitted by me:

"On motion of Peter Lassen, it was resolved that, in order to fully promulgate these laws, the Secretary be directed to furnish the editor of the *Shasta Republican* with a copy of them for publication, with a request that other papers throughout the state copy. The convention then adjourned *sine die*.

"Isaac Roop, *Sec.* Peter Lassen, *Pres.*"

4. Fremont Rider, ed., and Frederic Taber Cooper, comp., *Rider's California: A Guide-Book for Travelers* (New York: The Macmillan Company, 1925), p. 255.

5. Phil Townsend Hanna, *California Through Four Centuries: A Handbook of Memorable Historical Dates* (New York: Farrar & Rinehart, Inc., 1935), p. 121.

6. Ruby Johnson Swartzlow, "Peter Lassen, Northern California's Trail-Blazer," in this QUARTERLY, XVIII (December 1939), 304.

7. Theodore H. Hittell, *History of California* (San Francisco, 1898), IV, 190, 191.

8. Charles H. Shinn, *Mining Camps: A Study in American Frontier Government* (New York, 1885), pp. 232-58.

9. Benjamin F. Shambaugh, "Frontier Land Clubs or Claim Associations," *Annual Report of the American Historical Association, 1900*, I (1901), 69-84.

10. Roop's Record Book (MS, Lassen County Clerk's Office, Susanville, Calif.), contains entries from April 29, 1856, to October 18, 1862.

11. *Ibid.*, p. 349.

12. *Illustrated History . . .*, pp. 348, 349.

13. *Ibid.*, p. 349.

14. *Loc. cit.* Also Fairfield, *op. cit.*, p. 37.

15. Fairfield, *op. cit.*, p. 99.

16. *Ibid.*, p. 100.

17. *Illustrated History . . .*, p. 348.

18. *Loc. cit.*

19. Sacramento *Daily Union*, May 20, 1856, p. 3.

20. *Loc. cit.;* San Francisco *Daily California Chronicle*, May 19, 1856, p. 2; San Francisco *Daily Alta California*, May 20, 1856, p. 1.

21. San Francisco *Daily California Chronicle*, May 19, 1856, p. 2.

22. San Francisco *Daily Alta California*, June 7, 1856, p. 1.

23. Roop's Record Book, *loc. cit.;* Fairfield, *op. cit.*, pp. 39, 40.

24. Board of Supervisors Proceedings of Plumas County, California (County Clerk's Office, Quincy, Calif.), I, 85.

25. *Illustrated History . . .*, p. 350.

26. *Ibid.*, pp. 350, 351. Also Fairfield, *op. cit.*, p. 78.

27. *Illustrated History . . .*, p. 351.

28. *Ibid.*, p. 353.

29. Hubert Howe Bancroft, *The Works of Hubert Howe Bancroft*, XXV (*History of Nevada, Colorado, and Wyoming;* San Francisco, 1890), 69, 70; Effie M. Mack, *Nevada: A History of the State from the Earliest Times through the Civil War* (Glendale, Calif.: Arthur H. Clark Co., 1936), p. 153; Ina P. Sample, "The Miners' Movement for Statehood in Nevada" (unpub. thesis, M.A., Univ. of Calif., 1932), p. 14.

30. Mack, *op. cit.*, pp. 147-53; Bancroft, *op. cit.*, pp. 66-69; San Francisco *Daily Evening Bulletin*, January 3, 1859, p. 1.

31. Bancroft, *op. cit.*, pp. 75-81; Mack, *op. cit.*, pp. 154-58; Sample, *op. cit.*, p. 23.

32. Grass Valley *Telegraph*, as quoted by the San Francisco *Daily Evening Bulletin*, May 8, 1856, p. 2.

33. Young's proclamation of martial law in Utah Territory was issued on September 15, 1857, and was published in full in the San Francisco *Daily Evening Bulletin*, November 24, 1857, p. 2.

34. San Francisco *Daily Alta California*, October 8, 1859, p. 1; October 10, 1857, p. 1; San Francisco *Daily Evening Bulletin*, October 19, 1857, p. 2.

35. San Francisco *Daily Evening Bulletin,* October 19, 1857, p. 2.

36. Frederick S. Dellenbaugh, *Breaking the Wilderness: The Story of the Conquest of the Far West* (New York, 1908), p. 307.

37. San Francisco *Daily Alta California,* October 10, 1857, p. 1.

38. San Francisco *Daily Evening Bulletin,* April 3, 1858, p. 2.

39. San Francisco *Daily Alta California,* September 5, 1857, p. 2; Bancroft, *op. cit.,* pp. 82, 83; Mack, *op. cit.,* pp. 174, 175; Myron Angel, ed., *History of Nevada* (Oakland, California: Thompson & West, 1881), p. 43.

40. Angel, *op. cit.,* pp. 43-45. Judge Crane, an ex-Californian journalist, happened to be in the western basin collecting geological data for a series of lectures at the time; his presence at the meeting was accidental. San Francisco *Daily Evening Bulletin,* July 17, 1861, p. 1.

41. Sacramento *Daily Union,* October 19, 1857, p. 1; San Francisco *Daily Alta California,* October 21, 1857, p. 2.

42. The committee was composed of Isaac Roop, Wiley Cornelison, Jarvis Taylor, William Weatherlow, and Mark Haviland. San Francisco *Daily Evening Bulletin,* October 20, 1857, p. 3.

43. San Francisco *Daily Alta California,* October 8, 1857, p. 1.

44. *Ibid.,* October 21, 1857, p. 2.

45. San Francisco *Daily Evening Bulletin,* October 20, 1857, p. 3.

46. Shasta *Courier,* as quoted by the San Francisco *Daily Evening Bulletin,* October 21, 1857, p. 3.

47. *Loc. cit.*

48. San Francisco *Daily Evening Bulletin,* October 20, 1857, p. 3.

49. San Francisco *Daily Alta California,* October 21, 1857, p. 2.

50. *Loc. cit.*

51. San Francisco *Daily Evening Bulletin,* October 20, 1857, p. 3; San Francisco *Daily Alta California,* October 20, 1857, p. 2.

52. Sacramento *Daily Union,* October 24, 1857, p. 2; October 27, 1857, p. 2; San Francisco *Daily Evening Bulletin,* October 24, 1857, p. 3; October 19, 1857, p. 2.

53. Sacramento *Daily Union,* October 24, 1857, p. 2.

54. *Loc. cit.*

55. San Francisco *Daily Evening Bulletin,* October 29, 1857, p. 3.

56. *Ibid.,* November 11, 1857, p. 3.

57. *Ibid.,* October 28, 1857, p. 2.

58. Sacramento *Daily Union,* October 27, 1857, p. 1. The Honey Lakers clearly were reconsidering their "unanimous opinion,' and were "unanimously" thinking to the contrary. San Francisco *Daily Evening Bulletin,* October 21, 1857, p. 2.

59. Sacramento *Daily Union,* October 27, 1857, p. 1.

60. Wells, *op. cit.,* p. 255.

61. *Illustrated History . . .,* pp. 354, 355.

62. *Ibid.,* p. 354.

63. *Loc. cit.*

64. A universal and irritating problem was treated in section 6 of the laws: "Owners of hogs shall be held to pay all damages their hogs may do between the first day of April and the first day of November." *Loc. cit.*

65. James H. Whitlock, "Report to the State Surveyor-General" (November 7, 1858), in *Appendix to Journals of the California Senate,* 1859, No. 3, p. 37.

66. San Francisco *Daily Evening Bulletin,* December 1, 1857, p. 1.

67. Angel, *op. cit.,* p. 46; San Francisco *Daily Evening Bulletin,* March 23, 1858, p. 3.

68. Hoffman Birney, *Zealots of Zion* (Philadelphia: Penn Publishing Company, 1931), pp. 134-218.

69. San Francisco *Daily Evening Bulletin*, April 9, 1858, p. 2.

70. *Congressional Globe*, 35th Cong., 1st sess., p. 2090; San Francisco *Daily Evening Bulletin*, February 27, 1858, p. 1.

71. *Congressional Globe*, 35th Cong., 1st sess., p. 2122.

72. San Francisco *Daily Evening Bulletin*, July 17, 1861, p. 1.

73. Genoa *Territorial Enterprise*, December 18, 1858, as quoted by the San Francisco *Daily Evening Bulletin*, December 21, 1858, p. 2.

74. Fairfield, *op. cit.*, p. 147. On February 8, 1863, a Mr. Bookey of Honey Lake Valley arrived in Carson Valley with four hundred rabbits for the Virginia market. San Francisco *Daily Alta California*, February 13, 1863, p. 2.

75. William Winnie Kellogg, "Report to State Surveyor-General" (November 18, 1862), in *Appendix to Journals California Senate and Assembly, 1863*, No. 3, pp. 122, 123.

76. *Loc. cit.;* Sacramento *Daily Union*, February 6, 1863, p. 2.

77. Genoa *Territorial Enterprise*, July 30, 1859, contains an account of the entire proceedings of the convention. This issue of the *Enterprise* is reproduced in facsimile in Angel, *op. cit.*, pp. 69-72.

78. Genoa *Territorial Enterprise*, July 30, 1859, p. 1.

79. In the Honey Lake delegation were W. T. C. "Rough" Elliott, J. Bowdone, A. F. Chapman, J. Williams, John Robinson, A. M. Vaughan, W. S. Bryant, James O. Robertson, William Hill Naileigh, Isaac Roop, John H. Neale, and Albert A. Smith. From Long Valley were Warren Wassen, G. W. Chedie, and W. M. Ormsby. *Loc. cit.*

80. Genoa *Territorial Enterprise*, July 30, 1859, *op. cit.*, p. 1.

81. *Ibid.*, p. 1.

82. *Ibid.*, pp. 1, 2.

83. *Ibid.*, p. 2.

84. *Ibid.*, p. 3.

85. *Ibid.*, pp. 2, 3.

86. Genoa *Territorial Enterprise*, July 30, 1859, p. 3.

87. *Ibid.*, pp. 3, 5; Sacramento *Daily Union*, August 16, 1859, p. 2.

88. Angel, *op. cit.*, p. 63; in Carson Valley the constitution was ratified 164 to 17, and Roop received 167 votes to 5 for his opponent.

89. *Salt Lake Mountaineer*, October 27, 1859, as quoted by Ina P. Sample, *op. cit.*, p. 59.

90. Angel, *op. cit.*, p. 65. *Illustrated History . . .*, p. 356.

91. *Ibid.*, pp. 65, 66; Sacramento *Daily Union*, December 17, 1859, p. 2; San Francisco *Daily Evening Bulletin*, December 17, 1859, p. 3.

92. Angel, *op. cit.*, p. 65.

93. George D. Lyman, *The Saga of the Comstock Lode* (New York: Charles Scribner's Sons, 1934), pp. 41-69; Mack, *op. cit.*, pp. 206-9.

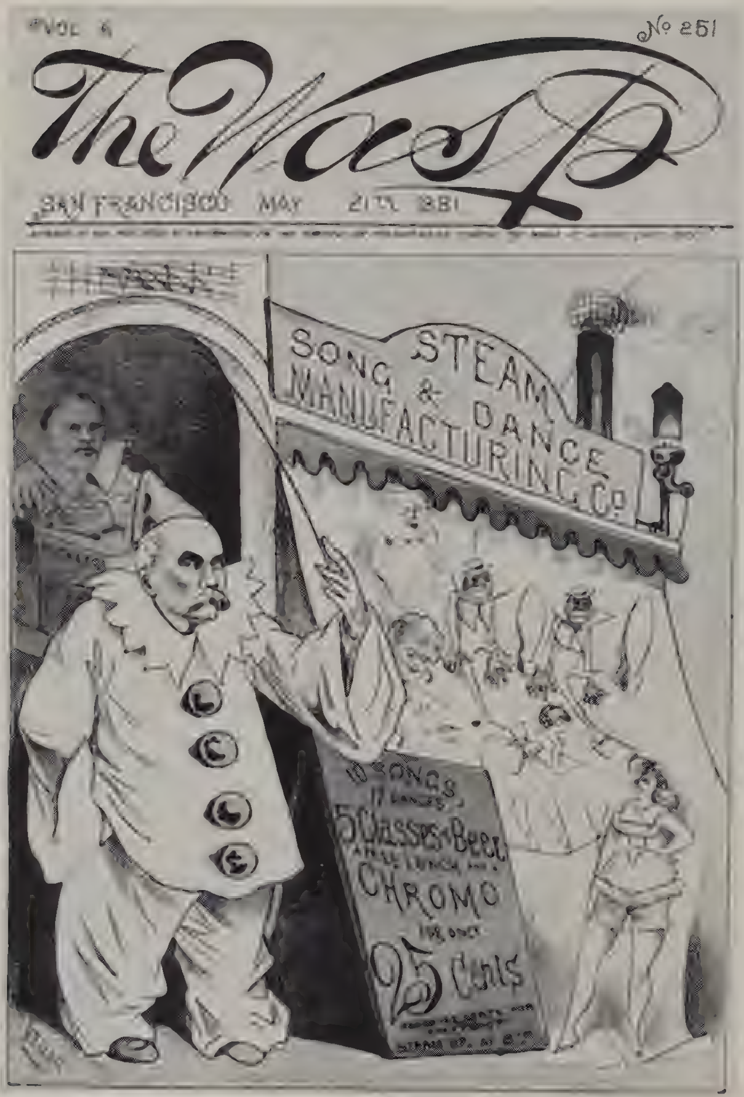
94. Angel, *op. cit.*, pp. 65, 66.

95. San Francisco *Daily Evening Bulletin*, September 28, 1859, p. 2.

96. San Francisco *Daily Evening Bulletin*, December 19, 1859, p. 3; Angel, *op. cit.*, p. 65.

97. Angel, *op. cit.*, pp. 65, 148, 149, 163; Manley S. Thompson was appointed by Roop as his "aide-de-camp" on February 1, 1860. *Ibid.*, p. 66.

98. 12 *U. S. Statutes at Large* (1863), pp. 209-14.


Vol. 6
No 251
The Wasp
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THE THEATRICAL FUTURE

MAGUIRE CARTOONED BY THE WASP

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Tom Maguire, Napoleon of the Stage

By Lois Foster Rodecape

X. SECOND TIDE

IT MUST have seemed to energetic Tom Maguire, in 1873, that he had been granted a second cycle of youth and success. It was not only in his financial affairs that he had apparently reached a new tide of achievement; there were more personal phases of his rejuvenation.

Handsome Tom, "straight as an arrow" though white of hair now, was at least in his middle fifties.[1] Still an amiable charmer and man of large projects, he was a gregarious soul to whom the joys of solitude were unattractive. He had sustained, three years earlier, a considerable loss in the death of his wife, but he was not of a character to mourn alone.

On July 29, 1873, Father John J. Prendergast performed a ceremony uniting in marriage Thomas Maguire and Mary Clemons of San Francisco.[2] A honeymoon and business trip to New York City followed, the couple returning to San Francisco on September 5, 1873.[3]

The second Mrs. Maguire was without doubt a beautiful woman. Tom's friend George Barnes once described her as "a graceful brunette of most shapely figure and perfect shoulders . . . the only woman in San Francisco of her day who could wear a shawl properly,"[4] and Peter Robertson spoke of Maguire's second spouse as "a tall, dignified, handsome lady" of "refinement and common sense."[5] Another friend wrote: "The Napoleon was married twice in his life—his first wife had brains in an eminent degree, and his second beauty."[6]

We may deduce that the second Mrs. Maguire was shrewd beyond her general reputation. During the early years of this second marriage she is said to have invested in real estate the casual sums her amiable husband passed over to her, thus building up a basis for future security.[7] Perhaps Mrs. Maguire II saw the handwriting on Tom's wall; no one else was as yet ready to foretell a future in which this man, once "the wealthiest theatrical manager in the world,"[8] would be ready to admit defeat. In 1873 the Napoleon's bank account still showed several hundred thousand dollars credit.[9]

Another virtue the second Mrs. Maguire has been accorded: an anonymous writer states that she bore Tom a son, who died about 1893 of "hasty consumption."[10] This statement, however, seems open to serious doubt. Tom had a nephew, always known as "Tom Maguire, Jr.," who, at the time of this second marriage, was already active in the Napoleon's theatrical affairs. It is probable that the young man, christened James Thomas, has been mistaken by this author for a son of the veteran. No immediate progeny has been recorded by any other available authorities.

If he had no sons, still Tom was happily surrounded by young men on whom he lavished affection. "Young Tom" was one of three pampered nephews in San Francisco: "Thomas Maguire, Jr.," Charles H. Goodwin, and Charles Lord. In later years of financial stress, "when even James O'Neill could get only a few dollars of the money owed him, Goodwin and Lord would raid the box-office and go out and have 'one hell of a good time' "—so says Charles McClatchy.[11] "Young Tom" in 1873 already was securing a foundation training under Maguire's organization,[12] was later to make a small career for himself in California and the East. Charles Goodwin, too, followed the family tradition, beginning his theatrical career in the middle seventies.[13]

In the full flood of a new and favorable tide, Tom Maguire—blessed with a new wife, three admiring young nephews, and a national managerial connection—in 1875 cheerfully surveyed the rising walls of a fine new San Francisco theatre.

Construction of the new building was commenced in February 1875 on a large piece of ground between Market, Powell, and Ellis Streets. According to the reporters, Maguire had acquired part of this site some nine or ten years earlier.[14] The remainder was secured by a twenty-year lease, at a rental of $1,200 per month.[15] The plan of the new project embraced erection of a huge combination building, to include a hotel with 250 rooms, as well as eighteen shops and a playhouse.[16] The location, in the sand-hills opposite St. Ignatius Church and College (now replaced by The Emporium department store), was then somewhat removed from the growing town and its main theatrical district. Several managers, however, were looking speculatively even farther to the south—indeed, in January of 1876 a huge elephant of an Opera House finally was to be completed on Mission Street, south of Market.

Maguire's backer in the new venture, the financier of the huge project, was Elias Jackson ("Lucky") Baldwin.[17] David Belasco, at this time entering into a rather intimate association with Maguire as his secretary and amanuensis, has described these two pioneers as "perfect types of the rugged West . . . two uncouth, bulldog men."[18] According to young David's not always accurate account, written some forty years later, there had been from the beginning a gigantean struggle between the two: Baldwin, the ex-hostler millionaire, and Maguire, the ex-hackman impresario. Baldwin had made heroic attempts to buy Maguire's sand-hill, while Maguire had been attempting to purchase Baldwin's and in the end had insisted, in Belasco's words, "You can't have my sand-hill unless you build me a theater."[19] So, eventually, Baldwin built on the double plot of ground a hotel for himself and in its heart an elaborate theatre for Maguire. Together, says Belasco, the two rugged dreamers "transformed a desert."[20]

Maguire, in return for contributing the portion of land to complete the site, was to have a permanent interest in the theatre and the continuous right to occupy it in a managerial capacity, as well as responsibility for its construction, arrangement, and decoration. The architect selected was John A. Remer, who had designed Hooley's Chicago Opera House and the Union Square and Lyceum Theatres in New York.[21]

According to the newspapers, Baldwin was investing two and a half millions of dollars in his hotel and a quarter of a million more in the theatre construction. The edifice was a worthy rival to the splendid new Palace Hotel some blocks to the east on Market Street.[22]

Completed by March 1876, the new Baldwin playhouse boasted a wide entrance on Market Street, although in general it nestled inside of the large edifice of which it was a part. The interior was resplendent in crimson and gold. The ceiling was frescoed, as was the space above the proscenium, the decorators' subjects including personifications of Music and Comedy, cupids swinging festoons of drapery and flowers, and airy clouds. The drop curtain, of crimson satin, cost $6,600, and parted to drape at the sides, instead of rolling up in the then usual manner. The act drop boasted more cupids and Diana and Apollo in a chariot. Cluster gaseliers dripped prismatic crystal from the roof (at a cost of $1,500 apiece), while above the proscenium arch a shield bore Baldwin's initials, "E. J. B."[23]

On March 3, 1876, the members of the press were invited to preview the Baldwin Academy of Music. "As is customary at receptions," wrote the *Call* reporter, "the health of the proprietor, Mr. Maguire, was pledged in flowing bumpers of Private Cuvée."[24]

The new theatre was opened formally on March 6: Thomas Maguire, proprietor; James A. Herne, stage manager. The stock company, including young David Belasco and others then better known—James F. Cathcart, Annie A. Adams, and Lewis F. James—supported Barry Sullivan, Shakespearean actor, in "Richard III." Sullivan was greeted admiringly and flatteringly, playing in a series of classics, against competition of Mrs. Scott-Siddons at the California, and later of John McCullough himself. Sullivan's opening season proved quite satisfactory to the anxious sponsors, despite some falling off in theatrical patronage attributed to the Lenten season.

But Maguire was to find that more than the Lenten season had descended upon the drama. Suddenly and disastrously his good tide was to ebb. In the first place, there were too many theatres in San Francisco now: besides the California, the new Grand Opera House,[25] Maguire's New Theatre, and Maguire's Opera House, a number of smaller theatres contributed to what the *Chronicle* described as "the unprecedented number and variety of rival entertainments."[26] The city seemed theatre-mad in this fine spring, at this hundredth anniversary of the establishment of the San Francisco Mission.[27] And Maguire, in his twenty-seventh year as a local theatre manager, seemed a bit theatre-mad, too.

According to a current newspaper,[28] Maguire and his distant partner, John H. Haverly, of Chicago, included among their interests in 1876 not only three San Francisco theatres and the Hooley Theatre in Chicago, but also a number of large playing companies: Haverly's Minstrels, the New Orleans Minstrels, the California Minstrels, the Georgia (colored) Minstrels, and the Oates Comic Opera Company. In addition to their joint enterprises, Maguire was interested in a theatre in Sacramento and by arrangement toured his San Francisco shows also to Piper's Opera House in Virginia City, Nevada.[29]

All of this activity had been undertaken on the assumption that good times and growing prosperity were assured facts. They were not assured: California was on the verge of its greatest depression and panic, presaged by the failure of the Bank of California months before the whole structure of Western prosperity collapsed. From the brilliant and triumphant inauguration of the Baldwin in March 1876, Maguire's fortunes were to recede in a series of culminating disasters.

As we have noted, the opening of the Baldwin did not signalize the abandonment of other San Francisco ventures by Maguire. At the Opera House, minstrel shows continued to attract a fairly constant clientele. The New Theatre came into prominence in the spring in connection with another interesting legal tangle.

On January 3, 1876, the Tennessee Jubilee Singers, a colored chorus made up of ex-slaves, opened at the New Theatre in the course of a tour dedicated to the aid of a colored school in Lexington. The occasion was selected by San Francisco Negroes as auspicious for a demonstration of their rights as legal equals of the whites.

On January 6, Charles Green, colored, was refused permission to sit in the dress circle of the New Theatre. The next day Maguire was apprehended on his complaint, then released on $1,000 bail.[30] Following this announcement several other colored citizens filed similar suits,[31] and a Negro public meeting was called to uphold their stand.[32]

When the first case was heard, on January 18 and 19, it was demonstrated that Maguire could not be held in the matter, as the actual denial of admission had come from his doorkeepers, who refused to acknowledge receiving any instruction from Maguire to this end.[33] Perhaps it was only coincidence that, during the next month, similar demonstrations were made in New York.[34] In May, while the colored Georgia Minstrels were playing, Maguire announced that blacks would be admitted to sit with whites, at least during the current season.[35]

During the summer of 1876 Maguire found the financial sledding difficult. Mrs. Oates' comic opera at the New Theatre in the early spring was too familiar; Peter F. Baker and Thomas J. Farron, comedians, were mild failures. In May, both the Opera House and the New Theatre advertised minstrels.

The Baldwin, too, had already forsaken the legitimate, though it still reached high: on June 7 the New York Maurice Strakosch Opera Troupe began there a season of concert and opera. Then in July came the playwright George Fawcett Rowe in his own pieces. But such splendid variety companies as Matt Morgan's Troupe and Tony Pastor's Vaudeville Company failed to bring any consistent prosperity to the New Theatre. The Baldwin came at length to anti-spiritualism (in July), and the Opera House to marionette shows and lectures on Dickens (in July and September).

On October 1 a reporter estimated that Maguire had brought to San Francisco during the year a total of about 280 professional players of various kinds.[36] Later in the month—Emelie Melville was struggling with comic opera at the Baldwin, the Georgia Minstrels were rewarming old enthusiasms at the Opera House, and the New Theatre was closed—the same newspaper contained a hint that overdue salaries were being claimed by members of the stock company, at the time on tour, and a suggestion of sympathy for the harried manager. The reporter summed up the situation in the sentence: "Without doubt Mr. Maguire has of late had a very hard crust of the public amusement loaf to exist and thrive upon."[37] Maguire was currently confined to his home by a severe cold.[38]

In sad fact, the California Theatre had been furnishing a type of competition Maguire could not combat. Although Mrs. Mary F. Scott-Siddons, in March, had attracted more glory than gold in the face of the opening of the new Baldwin, Francis S. Chanfrau (April-May), Edwin Adams (May), Lawrence Barrett (June), John Raymond (July), Rose Eytinge (July-August), Mary Anderson (August), and finally the great Edwin Booth in September, drew attention in turn from Maguire's strongest bills. The New Theatre, under the old name, the Alhambra, did reopen in late November, after being dark for some time; but by January 1877 all three Maguire theatres were closed.[39]

The comment of the newspapers on Maguire's failure smacked of a certain finality: "We regret that Mr. Maguire, after all his exertions, has been compelled to relinquish his hold on Baldwin's, and this regret is shared by all the older members of the profession, who remember him as a liberal and energetic manager in the halcyon days of the profession in this city."[40]

Indeed, landlord Baldwin had ousted Maguire in favor of his staunchest competitor,[41] John McCullough of the California Theatre, who was ambitious to attempt dual management and who took formal possession on March 31, then opened the house on May 2.[42] Even the two lesser theatres were sacrificed on judgments for Maguire's debts, the Opera House being returned to William Shiels, the Alhambra going to James O'Neill.[43]

The *Call* reporter wrote on April 8:

> IN THE MIDST OF THE CHANGES
>
> Taking place in the theatrical world, it may not be out of place to give a word to Mr. Thomas Maguire, who appears for the present to have wound up his connection with the profession in this city. He was, for many years, its head and front in California. . . . He was called the "Napoleon of the Stage," and the boldness and magnitude of some of his speculations, as well as the amount of money involved, made the title . . . applicable . . . Millions of money have been received and disbursed by him. . . . Like the "Little Corporal," he stands today on—(we won't say a St. Helena)—an Elba of impecuniosity, stripped of all he once had. . . . He will be in the field again soon. . . . To all questions and many expressions of sympathy he has only one reply—"Wait;" and then he caresses his mustache and looks into the far-off distance, as if he saw there the coming of the wave of that second tide in his affairs that is to lead him on to fortune again.

The final straw in Maguire's humiliation was doubtless the pity of his friends. A feature story entitled "Saturday in the Park" mentioned Maguire, along with James Phelan, Charles Crocker, Howard Coit, and other promenaders: "Here comes poor Tom Maguire, in that one-horse shay; by gracious, I'm sorry the old man is so down on his luck."[44]

Yet not only Maguire, but the whole city, the whole country, was suffering from the same affliction. The depression had settled itself firmly over the life of the nation, and the newspapers contained references to "dull times" throughout the land. In New York, in January 1877, receipts at the theatres had fallen off more than fifty per cent in a month; in April half of the playhouses in that city were advertised to let.[45] There were legions of unemployed, including many actors,[46] and San Francisco had set up free lunch stations to take care of the destitute.

California had made strenuous attempts in 1875 to restore confidence after the failure of the Bank of California. In the spring of 1877, finally, the whole stock market in the West collapsed, precipitated by the failure of the great silver mines in Nevada. In San Francisco, where almost every street urchin was a minor stockholder in the great silver bonanza, thousands were impoverished.

It was not surprising that theatres failed, too, as Californians developed the new habit "of looking two or three times at a dollar before parting with it."[47] Even McCullough soon admitted failure in his turn at the Baldwin, while the Grand Opera House closed, and no attraction but Buffalo Bill (Colonel William F. Cody) was able to endure. A *Chronicle* philosopher explained the situation in his columns:

> The decline of theatrical interest in the city . . . is the result of many causes, chief of which we take to be the new era of thought and feeling that followed the suspension of the Bank of California and was intensified by the misfortunes in stock circles during this

> late Spring and early Summer. San Francisco never really had a death in the family until Ralston's, and until the recent past no great financial trouble. So we have lived on hopefully and buoyantly, with an exuberant life, a continual overflow of feeling, a gush of sentiment, and the abounding good nature that comes from all these conditions.[48]

As for that transcontinental hook-up with Haverly in which Maguire had placed hopes of a replenished treasury, some time during these straitened years the partnership was silently dissolved.[49] In 1882 Haverly himself was reported to be in bankruptcy.[50]

* * *

It is impossible not to attribute to Maguire a probable satisfaction in observing the failure of the great McCullough at the Baldwin. Maguire had lost $50,000 in his year of management,[51] but McCullough, in two and a half months of production, had gambled away $28,000.[52] In July 1877 McCullough was glad enough to forfeit his lease. A month later he sold a half-interest in the California to Barton Hill for the amount of his losses, $28,000.[53] But Tom was generously sorry to see his friendly enemy's downfall. In a newspaper interview, he paid tribute to McCullough's abilities: "We always got on well; I always liked John McCullough. A squarer man never lived . . . I don't know who can run the California successfully after him."[54]

Meantime Baldwin had decided that a live theatre was better than a dead one, though perhaps more expensive. He had made an agreement with Maguire, he announced grandly, whereby he would back him in the future "almost regardless of expense."[55] Beneath this generosity, it was revealed, there was a canny "Lucky" arrangement: Maguire was to take over the Baldwin rent free for two years, after which time all legal and equitable rights to the piece of land he had contributed to the Baldwin site would be forfeited. Maguire was gambling two years of theatre management against his real estate holdings.[56]

So, "coming radiantly up to the scratch again, as game as ever,"[57] Maguire departed for New York on July 29, to seek talent for the theatre. His first achievement was to contract with the Clara Louise Kellogg-Annie Louise Cary opera company (Max Strakosch and J. B. Pond, managers) for an immediate season, to open at the Baldwin in September. Returning on August 22, "in good health and spirits,"[58] Tom departed for New York again on October 11, and rumor said he might proceed to Europe; but on November 7 he was again in San Francisco for the opening on November 13 of the Union Square Theatre Company from New York, in "The Danicheffs." Theirs, said the critics, was the best acting seen in the city in months.[59]

The high-brow *Argonaut* congratulated Maguire on his daring in breaking with "the old time tradition in which he was enveloped."[60] Maguire was determined to give San Francisco the newest theatrical fare, and if this involved importation of a whole company instead of a star, he was willing to gamble with larger stakes. More than a year before, the famous "stunt" of the railroads had called national attention to the theatrical facilities afforded by "rapid transit." Papers had been plastered with headlines as the complete Henry C. Jarrett and Harry Palmer Troupe of New York, booked at the California Theatre, San Francisco, had raced westward on a special non-stop Central Pacific train in "the railroad achievement of the century"—steaming into Oakland in the record time of 83 hours 59 minutes and 16 seconds.[61] Costs of railroad transportation were gradually to decrease to reasonable figures, although the expense of importing a large company was still practically prohibitive to any but the over-optimistic.

Some of the new pieces in the repertoire of Maguire's New York company were thought by San Franciscans to be rather naughty. "Lucky" Baldwin, who frequently escorted some glamorous lady to sit in his private box at the Baldwin, was said to have found "Pink Dominoes," for instance, "perfeckly disgustin'."[62]

At the end of January 1878, Maguire departed once more for New York, to return in March with another Union Square Theatre company, including this time James O'Neill, Lewis Morrison, and Rose Wood.[63] Again Maguire seemed to have impelled his theatre to first-ranking position in the city; again he was sending shows to Sacramento and other interior points. It seemed that there was no downing the man. The *Call* critic remarked genially:

> Maguire is proving that while there is something in having years of managerial experience, his prime quality is that of adapting himself to the times. One would think, on account of his being a pioneer manager, he would be overgrown by the barnacles of tradition, and his progress be thereby impeded; but he has no past, apparently, only the naked present. In other words, he is a sort of theatrical Peter Schlemil who casts no shadow, although his face is set toward the westering sun of existence.[64]

In May, Maguire was again in New York, and was embroiled in one of his characteristic disputes. The California Theatre had proclaimed San Francisco rights to the new Eastern success, "Diplomacy." Maguire, from the East, announced that he would produce this piece at the Baldwin. The theatrical play agents, Samuel French & Company, threatened to sue Maguire; he retaliated by saying that they had not treated him fairly in the negotiation and that he would produce the coveted play despite their opposition.[65]

The whole controversy centered around a new principle in copyright law, a field of legal action still novel and unpredictable in America. Samuel French had purchased from Victorien Sardou, playwright, the proprietory rights in his play, known in America as "Diplomacy." The copyright to the play had no value in this country, as foreign copyrights were not recognized legally; but a proprietary right was a different matter.[66]

Maguire, "puffing a cigar in the lobby of the Union Square Theatre" in New York,[67] gave reporters of the New York *Dramatic News* an interview in which he stated that his negotiations had been complicated by an offer direct from Sardou's English agent in London, and by a number of other factors, all of which aroused Maguire's indignation. In the end, Maguire contracted with the Samuel French company for first Pacific Coast rights to all new French and English dramas handled by them.[68]

Another New York episode brought additional publicity to Maguire on this eastern trip: In early June 1878 he announced that he had signed a contract with the Reverend Henry Ward Beecher for a series of lectures in Nevada and California, for which Beecher was to receive $11,000.[69]

Dr. Beecher had for some years been accorded newspaper headlines in connection with alleged moral irregularities. He had suffered accusations of "free love" activities, and rumors and jokes about the minister were bandied from coast to coast. Local minstrels had sung songs about Beecher, bawdy songs. Now Beecher, in the course of a dignified lecture schedule, was calmly skirting the gossip and scandal which interested his prospective auditors. Under Maguire's management he made a Nevada-California tour extending from August 4 to September 7.[70]

But Maguire was not in California to concern himself with the fate of his lecturer or that of the Union Square Theatre company at the Baldwin. Tom had sailed to Europe in June and was making an extended stay on the continent. In July he was reported in London, where he dined with the actor Barry Sullivan at the Savage Club[71] and haunted performances of the Royal Italian Opera. He heard the new opera "Carmen" in London and saw a magnificent setting of "Faust" in Paris, where the World's Fair had opened in May. He visited Milan and Rome to negotiate with opera stars in person.[72] He and his secretary, unnamed in reports, sought out the literary folk of Paris in an attempt to obtain manuscript copies of popular French plays then unprinted.[73] And, finally, "With his hat off, he stood on the top of the *Arc De Triomphe*, one night, and saw Paris spread out before him, a star-lighted panorama of beauty. The manager has had his hat off a good many times since he has been in Paris. . . ."[74]

By the end of August, Maguire was back in New York and receiving telegrams of recall from anxious San Francisco principals. But Tom sent word that "notwithstanding the hastening telegrams," he would follow his original program; that "he is at ease, and he hopes everybody else will endeavor to be so."[75]

On September 5, "in good health and exuberant spirits," the wanderer returned.[76] San Francisco was not as he had left it.

In June the difficulties of the California Theatre management had finally been revealed to the city in some detail. It was demonstrated in public prints that, from the opening of the playhouse ten years before, McCullough had fallen into the habit of borrowing sums of money from time to time, when expenses and receipts failed to balance favorably. The accumulated loan at the date of Ralston's death had been approximately $75,000, with records of repayments very irregularly indicated in the bank's books. The engagement of Edwin Booth had then been profitable, though the current debt, including accumulated deficit on the McCullough season at the Baldwin, amounted to almost $30,000. In early May 1878, McCullough willingly sold his interest to General W. B. Barton, and the theatre was continued under the triumvirate of Barton, Frank Lawlor, and Barton Hill.[77] By the end of June, the theatre's indebtedness had mounted to $55,000, despite a regime of economy introduced by the new proprietors.[78]

In the meantime, during 1878 conditions had been following the course of a depression very similar to that of the 1930's. The unemployed were marching to the City Hall to confront the mayor with demands for work, their leader Denis Kearney shouting curses upon the competition offered to the laboring man by cheap Chinese workmen.[79] Churches and benevolent societies set up free lunch stands and served as many as two thousand meals a day.[80] Relief work was instituted in Golden Gate Park and in the Potrero on a railway cut for the Southern Pacific Company, nominal wages of one dollar a day being paid to applicants for jobs.[81] There was the expected protest from the citizens to the effect that the railroad company was taking advantage of the depression to benefit itself,[82] and a conflict with union wages and rates resulting from this cheapening of general labor. There was a suggestion for a sort of federal housing appropriation, with loans to homesteaders, and so on.[83] There was even a flurry of shouting about Communism among the members of the Workingmen's party, as well as among the relief laborers.[84]

As for the theatres, in August attendance was "the smallest in the stage annals of the city."[85] Salaries for actors in New York were twenty per cent below those of a year before.[86] Even in January 1878 more actors were said to be out of employment than at any other time for twenty years.[87]

Tom Maguire's reintroduction to the stricken city was perhaps significantly marked by the suicide of John K. Mortimer, unemployed actor, in mid-September. Maguire and General Barton of the California paid the costs of a "decent" burial.[88]

By October there had been a slight lift in the financial gloom, and the theatres hoped for returning prosperity. Maguire was tendered a welcoming benefit on October 14, and the clouds seemed departing as Clara Morris arrived to star at the Baldwin in the luxurious atmosphere of programs perfumed in her honor![89]

By the end of the year, a general apathy had again settled over the theatres, despite heroic efforts to shake it off. Perhaps, as one critic said, there were too many places of amusement in the city; perhaps it was simply that "dull times and the immense outlay required to bring companies across the continent" were militating against financial success.[90] The year 1878, at any rate, had proved exceptionally unprofitable for the drama; losses in three of the local establishments were estimated to total between $120,000 and $150,000. Despite the comforting assurance that "these losses were in a great measure made by those who could afford to enjoy the luxury of running a theatre,"[91] even philanthropists were beginning to flag under the strictures of continued financial depression. The tide of general prosperity seemed to have receded permanently. Maguire's fortunes had regressed to a new ebb.

XI. SCHOOL FOR GENIUS

The opening of the last period of Maguire's prominence in California theatrical life may be dated from his production of Salmi Morse's "Passion Play" in the spring of 1879. This story, now grown to the dimensions of a legend, has often been told. It makes a good tale, not only because of its intrinsic dramatic qualities, but because several of its leading characters are men whose names count for much in the history of the American theatre.

Salmi Morse was an eccentric Jewish gentleman who suffered from a fiery egotism and a fine tongue for exaggerated self-praise, if we are to believe those who knew him. He turned up in San Francisco in the late seventies, and was described by George Barnes as "a tall, rabbinical-looking Hebrew, scrupulously dressed in black, with reverent gray hairs, mild, benignant eyes, and somewhat heavily-moulded features."[1] Morse haunted the theatres, told unbelievable tales of his exploits in Australia and the Crimea, and made a certain place for himself among the literary-theatrical folk of the city, who included, of course, Tom Maguire. Barnes, five or six years later, recalled the group which was accustomed to meet casually in the evenings, and which had earned the name of "The Round Table":

> Hither came Fred Harriott, nice, gentlemanly, debonair, with the latest news and gossip from the foyers of the New York theatres; Percy Wilson, with his memories of the old-world actors and actresses, and dead-and-gone celebrities generally; James O'Neill, with a modest hesitation that assumed nothing, but took advice from everybody; Fred Lyster, with his Johnsonian intolerance of conventional proprieties, never so happy as when he was dashing to pieces somebody's favorite idol; Manager Maguire—the silent Thomas—with his restless, roving glances, that seemed to take toll of all of the grist of gossip and information poured into the hopper of that social mill; and many others. . . .[2]

Fred Harriott will be recognized, of course, as Clara Morris' husband; James O'Neill as that later famous "Monte Cristo" whose son is Eugene O'Neill, playwright.

By some means Salmi Morse eventually obtained the position of editor of a small weekly which was called *The Wasp* and which had a very interesting history of its own. This newspaper was established and titled by its owners with the intention of producing a biting, penetrative critical weapon to combat social, political, and financial evils of the day. It was professed to uphold the interests of the beleaguered public, as interpreted by Korbel

Brothers, cigar-box manufacturers. The magazine was from the first characterized by brilliantly-colored illustrative cartoons which often carried a bold sting. The inspiration for these pictorial sermons, and indeed for the whole magazine, lay in the preoccupation of the cigar-box manufacturers with the possibilities of the lithographic processes utilized also for paper coverings on the containers they sold.[3]

Salmi Morse was not equipped with the necessary wit or bitterness to add much lustre to the new magazine—it was only later when Ambrose Bierce dominated it that the full intention of the publishers was realized. Salmi managed to impart to the little weekly a certain liturgical flavor, exemplified by publication of Biblical poetry and references.

Mr. Morse at this time was gripped by an obsession. He had been fascinated by the story of Christ's Passion and perhaps had studied or heard of the Passion Play of Oberammergau. Throwing aside his Hebrew convictions, or submerging them, he had begun in 1878 to toy with the notion of finding a producer for a magnificent stage version of the story of "The Passion," which he had lovingly dramatized.

In October 1878, George Barnes, drama editor of the *Call*, had commented in his columns, "Where is the manager who will be bold enough to place [Morse's Passion Play] on his stage?"[4] By January 1879, Mr. Morse was reading his drama before St. Ignatius College, in an attempt to interest the Catholic authorities in the possibilities of his scheme.[5]

In the meantime, serious-minded James O'Neill had read Morse's drama and, according to David Belasco's account, in turn had become fascinated by the character of Christ as there depicted.[6] O'Neill, then thirty-two years old, was described by a San Francisco acquaintance of this period as "a quiet gentleman, of medium height, well proportioned figure, square shoulders, . . . very erect . . . black hair, black eyes, rather dark complexion, a black mustache, and a fine set of teeth."[7] O'Neill had come to San Francisco originally with the Hooley Comedy Company, playing lightweight parts of various types. He is described by the anonymous friend quoted above as "the father of a young son, of whom he is very proud." (This first son was James, Jr., born in San Francisco in 1878.)

Belasco wrote that it was O'Neill who finally persuaded Maguire—and Baldwin, as backer—to produce the Passion Play. It happened that circumstances were favorable for the venture. The Grand Opera House management had failed in January, so the huge theatre was empty. Clara Morris had closed a season at the Baldwin, and there had arrived in San Francisco the Barlow, Wilson, Primrose and West Minstrels, engaged at a collective honorarium of $2,000 per week. (George Wilson had been property man for Maguire twenty-five years before.) Turning over the Baldwin to the minstrels, Maguire in February had moved his stock company to the Grand Opera House.

With the huge Grand Opera House in hand, the stock company free, and the leading man so eager, Maguire was not the man to refuse to take a chance on any dramatic novelty, however unheard of. So on March 3 Morse's "Passion Play" opened at the Grand Opera House, with a magnificent cast including James O'Neill, Lewis Morrison, A. D. Bradley, Samuel W. Piercy, King Hedley, Mary Wilkes, Kate Denin, and Olive West. The drama was mainly a series of tableaux taken from the Bible, but there was a certain amount of interpolated music, and where Biblical quotations could not be found to suit the requirements, Morse had invented appropriate speeches, not always of particular originality or merit.[8] The whole was presented on an immense scale of expenditure, two hundred singers and four hundred extras having been engaged to support the Baldwin players,[9] and expensive new scenery constructed. Within a few days the critics were reporting probable losses of over $2,000 for the first week.[10]

The production of Morse's much-discussed religious play called forth a storm of disapproval. On the day before its opening, San Francisco preachers harangued against the drama from their pulpits;[11] it had been on the boards only one night when the Board of Supervisors was petitioned to halt its production.[12] Stubbornly the management continued the play throughout the week. It did win a certain approval from liberal thinkers, impressed by the deeply religious effect upon members of the audience. James O'Neill played his part as if in a religious trance—"the actors relate how often he was in tears, and after every scene would retire to his dressing-room, light conversation being distasteful to him."[13] Belasco remembered O'Neill's Christus as "the greatest performance of a generation."[14]

On March 11 the "Passion Play" was retired; O'Neill and his fellows returned to the Baldwin to appear with Rose Eytinge in more fashionable melodramas. But Morse's play was not forgotten:

> Our ordinary theatre-goers have been startled out of their usual ruts lately by some peculiar experiments in stage work, which being considered *contra bonos mores*, the law was invoked for their suppression. The "Passion Play" slowly won its way to popularity against much opposition, until the Supervisorial ordinance finally squelched Morse. . . .[15]

Yet even the Supervisorial ordinance[16] had not really squelched Morse, or O'Neill, or Maguire. It acted as a challenge to these adventurers, who advertised, to open on April 15, an improved and amplified "Passion Play" in honor of Easter week.[17]

Following the first production in the repeat season, Officer Bradford arrested James O'Neill on a charge of "violating the ordinance which prohibits the personation of any scriptural character upon the stage." O'Neill gave bail in the amount of $100. In court on April 17, he was judged guilty of violation of the ordinance;[18] on April 18 he was sentenced to a fine of $50 or twenty-five days in jail, and refused to pay the fine.[19]

Mr. Morse immediately entered a petition to the Supreme Court in the state, denying the legality of the restraining ordinance and obtaining O'Neill's freedom on a *habeas corpus* writ so he could continue to impersonate his Savior.[20]

But on April 22 it was advertised that the "Passion Play" had been withdrawn, "in deference to public opinion."[21] Some obscure sanctimonious spirit had been roused among the supposedly liberal population of San Francisco, and the "Passion Play" thus was run out of town.

Even this was not the end of the "Passion Play." For months the drama and its author were the subjects of argument and comment. In June it was announced that Harry Edwards, California Theatre actor who had emigrated to Boston, would produce the piece there.[22] Several overtures were reported from New York City. The nation discussed the matter pro and con; church officials of all Christian sects were united in opposition.

In the spring of 1880 Salmi Morse petitioned the Board of Supervisors in San Francisco to allow him to produce his "Passion Play" again in this city. The result was a determined negative.[23] In June he resigned his position as editor of *The Wasp* after printing a long letter in defense of his play and a sentimental farewell to readers.[24] In August, quite suddenly, Tom Maguire entrained for New York to try his hand at finding a producer for the "Passion Play" in that city. He was followed by Morse ten days later.

In September news came bursting from Manhattan: Maguire had completed arrangements with Henry E. Abbey, New York producer, for presentation of the "Passion Play" at Booth's Theatre in December, with James O'Neill in the Christus role.[25] Early in October Maguire was reported en route for California, where he was to make arrangements for the winter productions at the Baldwin and for substitution of William E. Sheridan in O'Neill's place in the San Francisco stock company.

Now continuous telegraphic reports of New York opposition to Morse's *opus* were published in California papers.[26] Church members in the East were organizing, the press was printing interviews with Morse, prominent citizens were pronouncing opinions in the dispute.

In December San Francisco papers carried the announcement that Manager Abbey of New York had withdrawn the "Passion Play" after very expensive preparations and cash advances amounting to $15,000.[27] It was stated that Maguire, Morse, and O'Neill were most indignant, and that Maguire had been paid a "large sum of money" as palliation for disappointed hopes from the Abbey production.[28] Another report from the New York *Dramatic News* gives an observer's comment on the debacle:

> I don't know how Tom Maguire . . . feels about the back-down of Abbey. . . . He was a partner in the production. But I will say this of Maguire, that he never would have been frightened into giving up what he had once decided upon. He is not a man anybody can scare. I think even now that if he would take hold of the thing he could bring it to a glorious conclusion. But I understand that Reverend Mr. Abbey has made things square with him by promising to take Bernhardt out to San Francisco. . . .[29]

Good churchmen, indignant or relieved, decided that the vicarious excitement and threat of the New York "Passion Play" invasion was at an end. But Morse was not yet ready to quit. In October 1882, he began another campaign to secure a production of his "Passion Play" in New York.[30] He was reported, some months later, to have acquired a wealthy wife, as well as an old building which he had named "Passion House," and which was to be converted especially to his purpose.[31]

On April 15 the San Francisco *Call* reported that Salmi Morse had abandoned plans for his "Passion Play" because of public opposition in New York. In May the unfortunate gentleman was being sued by actors engaged for the projected New York production.[32]

Salmi Morse humorlessly flung himself into a hectic existence in Manhattan, attempting earnestly to win some sort of recognition as a playwright. On February 23, 1884, while a play attributed to Morse was on the stage of the Cosmopolitan Theatre in New York, the strange man was found drowned in the Hudson River.[33] Most reminiscences lean toward the theory that Morse's life had been blasted by failure of the public to accept his Biblical play.

Among San Francisco obituaries of Morse,[34] that of George Barnes, already cited, contains an interesting character study. One incident was narrated by Barnes as typical of Morse's eccentricities and "overweening vanity":

When Morse was in the throes of his final attempt to produce the "Passion Play," he was offered by a generous backer the sum of $100 a week for personal expenses. Morse hoarded this salary until he had saved $500. With the $500, ignoring other demands on his purse, he purchased a satin quilt or comforter, crimson above, mauve below. The letters "S. M." were embroidered on it in gold, as well as a crest which contained a crown set with genuine emeralds and rubies.[35] Morse fell into the habit of displaying this beautiful monstrosity to visitors, stating that it was "a tribute from admiring friends."[36]

Less dramatic, but perhaps of more historical significance to the student of the theatre, is the tale of the rise of young David Belasco, another passionate protegé of veteran Tom Maguire's last years as a theatre manager. There were certain similarities between the two, Morse and Belasco. Both were of Jewish blood, both were strong egotists, both emotional and single-minded enthusiasts, both thoroughly convinced of their own potential value to the theatre. But Belasco was a practical man, with the powerful driving genius which accomplishes its ends, no matter how remote.

David Belasco was born in San Francisco in 1853.[37] He was taken north to Victoria by his emigrating parents in 1858, but returned to San Francisco when he was about twelve years old. At that time the youngster already carried theatre-madness in his blood and eagerly accepted opportunities to play with amateur groups in the city or to "carry a spear" in professional productions.[38]

According to his own account, Belasco was playing in the interior in 1875 when he heard of the San Francisco advent of the Hooley Comedy Company, under the Hooley-Maguire partnership. He hastened homeward and fluently talked himself into a position as prompter and utility man with this group, from which he hoped to learn a great deal about the legitimate theatre.

Maguire, it seems, took a fancy to the young man and, by the time of the opening of Baldwin's Academy of Music, considered him "one of his boys."[39] Belasco spoke of the assignment of his duties at the new house as follows:

> As soon as things were in some sort of readiness, I was sent for . . . "You are to take charge of the manuscript department and be our stock dramatist," I was told. In addition to these somewhat onerous duties, I was McGuire's [*sic*] private secretary; for he had papers the contents of which he knew nothing about; and when I went away the correspondence waited until my return.[40]

Through the medium of Belasco's rather egoistic recollection, a very human Tom Maguire stands forth in these memoirs written forty years after the events described. Belasco says of his employer: "Tom McGuire . . . was the recognized first Napoleon of the theater. And, how he delighted in the title! For our modern Napoleon was a genius in his way and an unconscious actor; whether in a woman's boudoir flirting a fan with elephantine dexterity, or talking business with great artists on the curbstone, his only office, McGuire was always acting. . . ."[41] This picture of Maguire, of course, should be modified or reconciled with the estimate of George Barnes, who emphasizes Maguire's naïve enthusiasms, his silences, and his sudden rages when he was balked in his purpose. But Belasco was a very young man at the time of his contact with Maguire, and himself was given to acting dramatic parts in his daily affairs.

The boy Belasco was doubtless somewhat awed by the declining glory of Maguire, as he was by the wealth and apparent lavishness of "Lucky" Baldwin. These "two uncouth, bulldog men"[42] attracted dramatic events, and Belasco was pleased to be a sort of utility man, if not a prompter, in their lives: for he boasts ingenuously that he was always the intermediary in messages from Baldwin to Maguire;[43] that he attended Maguire at many of his famous "curbstone interviews"; and that his back served, indeed, as desk for the signing of a famous Maguire contract with Adelaide Neilson, in which she agreed to appear at the Baldwin Theatre.[44]

At the time of the opening of Baldwin's Theatre, or Academy of Music, in 1876, Belasco had not yet demonstrated superior talents in the theatre. He had played parts in various local productions and had served intermittently as backstage assistant and "extra" in different San Francisco theatres.[45] When he took up the position of secretary, messenger boy, and copyist at the Baldwin, an older and then better known man held an important place in the theatre personnel. This was James A. Herne, actor, stage director, and dramatist.

Herne, born in 1839, had first come to California in 1867 as a member of Helen Western's company.[46] Later he had returned to star in popular "character" roles at Maguire's Bush Street theatre, remaining finally as stage manager at this house. At the opening of the Baldwin, Herne was moved to the new house as stage manager. He had had some acquaintance with young Belasco at the New Theatre.

So, under Herne's direction, Belasco played minor parts and made himself valuable backstage, according to his own account. When, at the end of its first year of existence, the Baldwin Theatre proved a precocious failure, during the black interval in the first months of 1877 Maguire's henchmen scattered: his nephew, Tom Junior, was advertised as manager of the Opera House; Herne as lessee and manager of the Alhambra; while Belasco was experimenting at the third-rate Egyptian Hall on Geary Street, where he wrote plays to the measure of a "ghost illusion."[47]

Maguire was in Europe with another "secretary" in his employ, Herne was his acting manager in San Francisco, when Belasco rejoined the Baldwin company in the summer of 1878 as utility man and general stage assistant.[48] It is from this period of his association with Herne and the fine stock company of Maguire's playhouse in San Francisco that Belasco's real development as a playwright may be dated.

Belasco was now avidly experimenting, eager to learn everything about the theatre while he was in sympathetic hands. He also was anxious to get his name before an enlarging public—a characteristic which remained with him all his life and, indirectly, resulted in constant accusations of plagiarism, growing out of his association and collaboration with various writers and directors. Arthur Hobson Quinn has said that it is very difficult to ascertain where Belasco's touch began and where it ended, or how much credit he should be accorded for his part in the writing of plays with collaborators.[49]

Undoubtedly it is the older playwright and stage manager, James Herne, who should receive a great deal of the glory for launching Belasco on his career. Herne was himself a playwright of proved ability at the time his association with Belasco commenced. He was also a fine actor and, during his employment at the Baldwin, he married an actress, Katharine Corcoran, who lent practical advice and assistance to the two in their writing. Young David Belasco, whose talents had been extended primarily in the direction of adolescent melodrama, must have found Herne's suggestions and assistance invaluable in the creation of realistic human portraits in drama.

Belasco's first important playwriting at the Baldwin was an adaptation of

The Vicar of Wakefield under the title "Olivia." Produced in September 1878, it was labelled "mediocre" by local reviewers.[50] In December of the same year he made an adaptation staged under the title "Not Guilty" as a holiday spectacle. In February 1879, a version of "Within an Inch of His Life" by Emile Gaboriau, in which Herne, Belasco, and Fred Lyster[51] seem to have collaborated, was produced as a stopgap offering after Clara Morris' season, and was surprisingly successful. In May another adaptation by Herne and Belasco, "The Millionaire's Daughter" (from "The Banker's Daughter"), was presented by the stock company, including now James O'Neill, Lewis Morrison, Herne and his wife Katharine Corcoran, Rose Wood, and Kate Denin.

At the end of June 1879, again, a Herne-Belasco adaptation was warmly applauded—"The Marriage by Moonlight," based upon a play titled "Camilla's Husband" and in the new version featuring Rose Coghlan. This was followed by a Belasco adaptation of Zola's "L'Assommoir."

In September another Herne-Belasco piece was produced at the Baldwin. This play, later to become famous under the name "Hearts of Oak," was originally entitled "Chums." It seems to have been vaguely reminiscent of several current pieces, but fashioned on no one model. Of its first version, the critic of the San Francisco *Chronicle* said, somewhat caustically: "Regarding the question of originality in all its bearings, it might be safe to insinuate that while the crudities of the piece may be original the profounder motives owe their being to some remote and by no means contemptible dramatic authority."[52]

This play had obviously the seeds of popular success, and Belasco and the Hernes broke away from the Baldwin to try their luck with it in the East—Herne having acquired an obsessing desire to astonish Broadway and win a place there for his talents.[53] There was trouble between the two playwrights, their financial returns were vacillating in amount, and eventually they quarreled, Belasco selling to Herne his rights in the piece, which Herne renamed, in the meantime, "Hearts of Oak."[54] Belasco, returning penniless to San Francisco, according to his own account,[55] rejoined the Baldwin company and later graduated to the post of stage manager.

In July 1880, Belasco's drama, "Paul Arniff," was produced at the Baldwin; it was adjudged to be a "mélange" of material from various sources.[56] Then while Maguire was in the East, attempting to sell Morse's "Passion Play," Belasco continued to experiment under the deputy-management of young Charles Goodwin, Tom's nephew, who had been left in charge of the theatre.[57] At the end of August "True to the Core," adapted by Belasco from another play, was offered;[58] on January 10, 1881, "The Eviction."

It was not until July 1881 that Belasco achieved another success of sufficient note to justify further eastern theatrical venturing. The play, again an admixture of adapted material, was produced under the title "La Belle

Russe," and, as a publicity "stunt," the name of the dramatist was withheld until the piece had been on the boards for a week. Belasco has given a full account of this production, of which he and Maguire had great hopes.[59] He tells that, upon completion of the first draft of the drama, he demanded that Maguire secure for it several outstanding stars of the period: Osmund Tearle and Gerald Eyre from Lester Wallack's New York Theatre, Clara Waters from Salt Lake City, and John Jennings from the Union Square Theatre. Maguire complied with Belasco's requests, and with Jeffreys Lewis and these headliners, the piece made so fine an impression that, a few weeks after its debut, Maguire took Belasco to New York to seek a market for it there. On October 9 word was received in San Francisco that Maguire and Belasco had sold the drama to Wallack for production in New York.[60]

Again, the origin of "La Belle Russe" is somewhat doubtful. There were two precursors from which it probably stemmed, and there are hints of multiple collaboration in its preparation. Belasco himself makes the rather lofty remark that "though Mr. McGuire had no legal claim to the play, I considered that he had some moral rights . . . and so I let him have an interest in the play."[61] Possibly this "interest" was more solidly based on Maguire's activities as agent for the piece. But a sarcastic paragraph in the "Prattle" column of Ambrose Bierce indicates the mystery which was, perhaps purposely, attached to its authorship:

> There is to be a quadrangular legal fight concerning the ownership of the play *La Belle Russe*, the parties participant being Messrs. Belasco, Maguire, Stetson and Goodwin. It is conceded that Maguire wrote the play and sold it to Belasco, but it is contended that owing to Mr. Stetson's failure to pay for it, it became the property of Goodwin. They are all plaintiffs in the case, and for cause of action affirm that the play needs advertising. When this contest of intellectual giants has been decided the victor will move immediately upon the stronghold of the literary marauder who wrote and exhibited an exactly similar play some years ago.[62]

During the year following the first production of "La Belle Russe," Belasco wrote "The Stranglers of Paris" (an adaptation), which was produced in August 1881; "The Curse of Cain" (in collaboration with Peter Robertson), March 1882; and, finally, "American Born" (an adaptation), in July 1882.

But the story of this last period at the Baldwin Theatre is more properly the story of Tom Maguire, the Napoleon who was approaching his long-prophesied Waterloo. For Belasco, it marked simply the last stepping-stone before his invasion of the New York theatre, where he made his great name and lasting fame.

XII. WATERLOO

"Who has not heard of Tom Maguire?" inquired a San Francisco reporter in the fall of 1879.[1] "The oldest, most fortunate, and, at times, unfortunate manager on the Pacific Coast," said a rival critic, "Maguire has passed through experiences that would make a volume more salable than Mark Twain's 'Innocents Abroad.' "[2] "What one amongst the theatre-goers is there to whom the mere mention of the name does not bring up some pleasurable memory?"[3]

The occasion for this eloquence was the thirtieth anniversary of Maguire's debut as a theatre manager in California. The tribute was no empty honor, but a life line. "A benefit to Maguire," commented the *Call* reviewer, "at one time, was only considered a complimentary affair. . . . Now, such an event has greater significance." For Maguire was engaged in an attenuated struggle against superior forces.

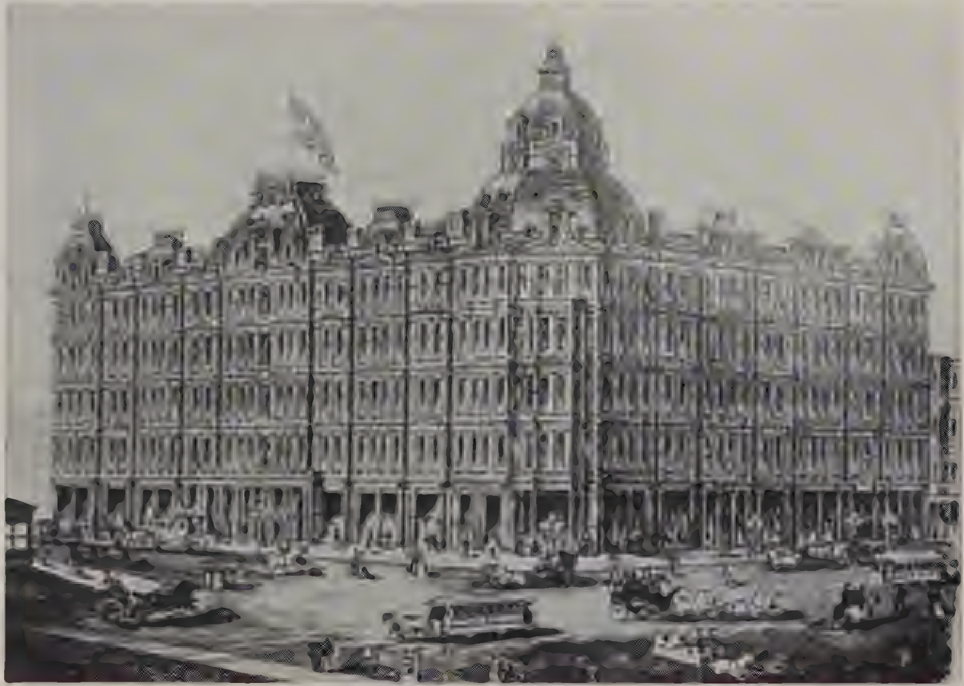
Tom Maguire's first enemy was, of course, himself. Years later David Belasco wrote of him: "The gambling propensities of Thomas McGuire, who would stake every bit of money the treasury contained and then come to us jestingly with the news that no salaries could be paid because he had lost, were a little disconcerting."[4] But beyond this love of chance, Maguire, throughout his professional career, was beset by that strange love for grand opera. As the *Call* commented, on the eve of the opening of Tom's last great venture as operatic impresario, "the money he has lost on these ventures would put all our savings banks in sound condition to-day."[5]

Making its debut on April 14, 1879, the Max Strakosch Company, starring Marie Roze and Annie Louise Cary, was true to the Maguire tradition. In the course of thirty-four performances at the Baldwin and the Grand Opera House, the company incurred for Maguire losses of approximately $20,000.[6] Smaller but steadier losses were piling up at the Baldwin, where the excellent stock company still was headed by James O'Neill at a salary of $10,000 a year. Though reports indicate Maguire's payments were often irregular, it is said that O'Neill jingled a weekly $200 in his pockets through it all; a tribute, surely, to Maguire's admiration, if not to his impartiality.[7]

Even these unfortunate cumulative circumstances might have been surmounted in good times. But the depression had hung on stubbornly. Three years of financial misfortune had not exhausted it. In 1880 there were again mass meetings of the unemployed in San Francisco[8] and the high suicide rate continued.[9]

Another important factor was the vacillating favor of theatrical audiences. Not only were numerous amateur groups distracting the public (there were at least twenty-three amateur dramatic societies in San Francisco in 1879),[10] but amusement taste was turning more frequently toward lighter types of amusement. As Belasco remarked: "A blight had struck our part of the amusement world . . . The city was besieged by a cheaper form of entertainment—a form that appealed to the gallery and middle circle. For the moment . . . [this] was the theatrical undoing of San Francisco."[11]

In the fall of 1879 the cartoonist of *The Wasp* illustrated somewhat



THE BALDWIN HOTEL AND THEATRE

From B. E. Lloyd, *Lights and Shades in San Francisco*, San Francisco, 1876 elaborately and bitterly the acknowledged tendency of cheap theatres to crowd out legitimate houses.[12]

For a time, in February of 1880, the Baldwin was the only "legitimate" theatre open in the city;[13] the California, the Grand Opera House, and the Standard were all dark. In opposition to this lonely dignity, comedy, vaudeville, and light opera were offered by the Tivoli Garden, the Bush Street Theatre, and other lesser halls. So desperate were theatre owners that in March it was rumored that Maguire had been offered two San Francisco theatres rent free for six months, if he would consent to undertake their management.[14]

In June 1880, Maguire staked his future on importation of Adelaide Neilson, high-ranking star of the American theatre. The contract called for terms amazingly unfavorable to the management; the lady was to receive sixty per cent of the gross receipts, with a guarantee of $500 for each performance.[15]

Charles K. McClatchy recalls an incident revealing the remarkable energy and optimism of Maguire at this perilous period. He says that, at the time of Miss Neilson's visit, Maguire had exhausted the patience of the printers and billboard owners who had carried his accounts for so long and was refused further credit. Jauntily Tom hired "four magnificent white horses and a handsome barouche . . . and . . . in immaculate togs and with a shining stovepipe hat tilted sideways on his handsome head, crowned then with the most beautiful white hair, he drove and redrove his charming star through the principal streets of San Francisco."[16]

These picturesque efforts were, unfortunately, of small avail. It was reported that, at one performance, Miss Neilson appropriated $1,600, while the manager netted a loss of $125![17] Had the playgoing public known that Miss Neilson, on her third visit to the city,[18] was bowing farewell to the stage as well as to this blasé community, audiences might have been larger. Miss Neilson made her last appearance in San Francisco on July 17, 1880; she died on August 15.

In the face of his continued misfortunes, it is not surprising that Maguire should have considered permanent return to New York City at this time.[19] He went east in August in the interest of Morse's Passion Play, made a flying trip back to California in October, then returned to Manhattan. Reports came back to California that Tom had been arrested in New York for pirating plays—that he had been released on $7,000 bail.[20] After the cancelling of New York plans for production of the Bible drama, Maguire returned to San Francisco troubles in February 1881.

There were strong rumors, now, that "Lucky" Baldwin was planning to evict Tom Maguire from the Baldwin Theatre.[21] It was currently stated that the manager was bankrupt and simply fighting against acknowledgment on a gambler's chance of miraculous recovery.

In late February a battle of words occurred between Maguire and Michael Bennett Leavitt who had accepted an advance of $1,000 to pay overland fares for an eastern burlesque company but tardily announced the disbandment of the troupe in the East because of financial difficulties. Maguire was indignant; Leavitt published lengthy explanations and countercharges in eastern papers.[22]

Still the Baldwin somehow managed to offer changing programs, under a desperate urgency that skirted absolute failure again and again. In March the orchestra struck in a body, demanding back salaries.[23] This difficulty surmounted, a series of expensive imported companies served only to increase the indebtedness of the house until, in June, a comedy bill by the Jarrett and Rice Company was closed suddenly, and Maguire announced he would abandon the policy of importing "combinations" in the future.[24] After actual announcement of Maguire's dispossession by certain newspapers,[25] miraculously he got together a fine stock company for Belasco's "La Belle Russe," offered in July.

During August, Baldwin commenced negotiations with local bidders for his theatre, but the matter broke up in a small scandal[26] and Maguire remained, again, in precarious possession.

Matters were very dull indeed in the city. "San Francisco has never known such a dull and insipid state of things as exists at present in the theatrical world," said a commentator in October.[27]

Still Maguire made an excellent surface showing, second-rate headliners succeeding one another under his undaunted management. Returning from his successful excursion with young Belasco to place "La Belle Russe" in New York, Maguire was reported "full of plans," though, as *The Wasp* commented pungently, the Baldwin was "pendant above the open jaws of dunning wolves."[28]

It was during this perilous time that Belasco had his opportunity to experiment in management and direction at the Baldwin. He has stated that Maguire "depended upon my ingenuity to keep the Baldwin Theatre running,"[29] and elaborated further: "For many months we floundered along at the Baldwin Theater. Actor after actor deserted, shop after shop refused credit. I was forced to bring in amateurs to fill out the cast, and borrow furniture to set the stage."[30]

Belasco was perhaps unduly extending his dramatic powers when he described the intrepid Tom as "sobbing like a child" as he implored "Davie" to help him retain his theatre.[31] But it is indubitably true that Maguire was worried, that he leaned heavily on the ingenious Belasco, that he saw the end in view and realized how completely helpless he would be, once he lost his last holding in the California theatre.

As for Belasco, a journalistic friend spoke of his efforts at this period as follows: ". . . Belasco . . . was never happy when Maguire could pay him his salary or provide the means of producing a play, which was not often in his later days. He delighted in holding together recalcitrant supes and in defying big-headed actors. The stage hands always . . . stood by him. . . ."[32]

So the young man, desperately anxious to get a foothold in the theatre, and the older man, desperately anxious not to lose his, carried on for harried weeks. The German Theatre, which had for years engaged the California for Sunday night shows, moved its headquarters to the Baldwin and played at least once each week in this house, drawing almost the only encouraging audiences to the declining theatre.

Finally, in April, Ernesto Rossi, Italian tragedian, arrived in San Francisco to appear at the Baldwin. He was a failure, and that failure was the precipitating element in Maguire's final break with Baldwin.

Gross receipts for the Rossi engagement averaged only about $90 a night, of which he was, by his contract, entitled to half. In the resulting financial debacle, the actors, "supers," and musicians struck, and on April 23 it was announced that Maguire's connection with the Baldwin Theatre was definitely severed. Rossi sued Baldwin for the ridiculous sum of $38, his half of the gross receipts of a matinee held on April 22. Baldwin denied knowledge of or acquiescence to the contract Rossi claimed to hold in the form of a confirmatory telegram.[33] The telegram notation in the theatre files was proved to be in the handwriting of neither Baldwin nor Maguire.[34]

In the general discussion which followed, it was stated that, for some months before this final catastrophe, one of Maguire's debtors, a Mr. Kelly, had been in virtual control of the finances of the Baldwin, under an arrangement whereby he was to receive all profits until his claims had been paid off.[35]

On May 2 the Baldwin's last performance was followed by wild speculation and discussion on all sides.

San Franciscans still would not believe that Maguire was defeated. As an *Argonaut* writer had commented five years earlier: "Somebody is always willing to back Tom Maguire; when his fortunes are direst he will suddenly appear upon the street waving aloft a check big enough to keep him going for another year.

"The man who can get this kind of aid for half a lifetime must either be a phenomenal financier or the squarest man going. . . ."[36]

But Tom was older now, capitalists had suffered severe losses in the continued depression, and the accumulated effect of sixteen years of financial juggling was, perhaps, exhausting to himself as well as to his omnipresent friends.

Despite rumors of reinstatement in power, Maguire knew he had lost his hold on the Baldwin Theatre. The last straw was Belasco's proposed desertion to the ranks of Daniel Frohman, New York manager of the Madison

Square Theatre, whose brothers, Gustave and Charles, he had met in San Francisco. Belasco thus describes the final scene:

> Of course I was reluctant to leave Maguire, but I saw the writing on the wall. . . . I summoned courage and went to him. Before I could speak, the old man put his hands on my shoulders and half sobbed: "Not you, too, Davie. Without you I give up."
>
> . . . The worst days of my life were those during which I helped Maguire pack his belongings. His leaden skin, reddened eyes, stooped shoulders, and trembling hands were sad to see, and it was pitiful to listen to his heart-broken, half-whispered complaints about the desertion of the public. Small wonder that I wept as I helped him! As long as I live I shall never forget the pathetic, frightened glance he cast over his shoulder as the back door closed on his final exit. He never crossed the threshold of the Baldwin Theater again.[37]

(The last sentence, effective but inaccurate, illustrates Belasco's tendency to melodramatize, and serves as a warning against too literal belief in the harrowing tale.)

Many friends were sad to see Maguire's downfall. Only the *Examiner*, never sympathetic to Maguire, seemed to rejoice at his failure and regretted the possibility that "the gaunt skeleton in the shape of the whilom manager" might pursue the fortunes of the house in the future.[38]

During the summer, following a successful engagement at the Baldwin of the Hanlon Brothers, world-famous acrobats, Maguire again paid his respects to his old house. The Hanlons, in memory of an engagement with Maguire twenty-one years before, and perhaps also because their current contract had been made with Tom before his retirement,[39] offered the defeated veteran a complimentary benefit on August 3, 1882.[40] The receipts, amounting to $1,500, were interpreted by the *Call* as indicating "that the object of the compliment has a strong hold on the good feeling of the people of San Francisco, and that, changeable as the community is, they do not forget in a day the work of a lifetime."[41]

Tom Maguire was not yet ready to accept old age and idleness. The newspapers spoke of him occasionally, of his plans for a new opera season, for a new start in life, a new, finer theatre to be built . . . In November 1882, the deposed veteran set out for New York—"on professional business," said the *Call;* "to do something," said the *Chronicle*.[42] Word from the East indicated that Tom was to be seen daily, posing elegantly at the Sturtevant House.[43] In early January a promising report reached San Francisco.

> We learn from what we consider trustworthy authority that Mr. Maguire has met with a streak of financial luck in the East. With the instincts of a showman, he saw his opportunity when he arrived in New York in the engagement of the pugilists, Sullivan and Coburn—interest having been made to procure the release of the latter from Sing Sing—and by hippodroming them in several leading cities has regilded a somewhat tarnished fortune. Early in the spring his fistic protegés will visit California. Meantime, from the profits already made, he is cutting a wide swath in New York, and is regarded as the most distingué-looking man who promenades Broadway. Maguire is the best ex-

> ample of dogged endurance and unflinching will power we know. "Never say die" is the motto of his life.[44]

But this was a false resurrection. A month later it was learned that the temperamental pugilists, John L. Sullivan and Joe Coburn, had disagreed, Coburn accusing Sullivan of undue rudeness in personal and professional contacts.[45] Maguire's experience had not before extended to the handling of fighting cocks.

In July, Maguire was back in San Francisco,[46] leaving his young nephew, Tom Junior, in New York. Affairs at the Baldwin were still unsettled, and there was again speculation as to whether Tom Maguire might not be reinstated. But Tom was not only reported to be wary of reëntanglements, he was said to have "a better and more immediately-lucrative enterprise in view."[47] In November, Al Hayman signed a long-term contract at the Baldwin, and in December began his long occupancy which was to carry the house through the more prosperous days of the next decade.[48]

Tom drifted about the city, discussing grandiloquent propositions, probably drinking companionably with his friends and admirers, doubtless dabbling in his old pastime, gambling. Against belief, San Franciscans began to acknowledge that Tom was through. Tributes in the public press had a postmortem ring:

"Few men have so many old friends as Maguire . . ."[49]

"We have never had any more enterprising manager, and when he gave up, the stock company went with him."[50]

"The old veteran and wheel-horse in amusement matters in this city, Tom Maguire . . ."[51]

"The oldest manager on the coast, the antique of the profession . . ."[52]

"He has spent fortunes in running theatres and fought his way through all sorts of difficulties and all his life he has retained the friendship of those who knew him well . . ."[53]

Matters drifted along until May 1884, when Al Hayman offered a double benefit for Maguire at the Baldwin on the 24th and 25th of the month. Said the *Chronicle*, "Tom Maguire has been losing very greatly lately and he has abstained from dabbling in his favorite hobby with a constancy that denotes sufficient reformation to justify a bumper benefit."[54]

In July, Maguire bid farewell to his adopted city. He announced that, in returning to his former home, New York City, he intended to "devote himself to a new line of business."[55] Indeed, it was reported in San Francisco that Tom had secured backing by capitalists interested in erecting a new theatre in New York.[56]

Young Tom Maguire, nephew of Old Tom, was making his way as a business manager in New York, having found employment in the box offices of several theatres there. The young man, married in November of 1884,[57] moved from one position to another, while Old Tom toyed with his plans to build "the prettiest theatre in the United States" somewhere on upper Broadway. Young Tom was to be manager of the new house, according to their prospectus.[58]

Old Tom was "as lively as a cricket" these days, and "brimful of hope for the future."[59] Reports seemed to indicate prosperity in view. In June of 1886 the local papers received word that "Mr. Tom Maguire has moved into a magnificently furnished house on Thirty-third Street, New York. The California ex-manager is said to be the best dressed man in the city."[60]

A year later, construction of the mythical new theatre was still pending. Months passed, and the fine plans were no longer even discussed.

Young Tom Maguire,[61] as well as Charlie Goodwin,[62] also now in the East, was mentioned frequently as popular and steadily rising in the field of business management of New York theatres. Old Tom was referred to as the "ex-Napoleon," and so far had San Francisco history outdistanced him and his times that the California Theatre appropriated the nickname of "Old Drury," once applied to Maguire's Opera House.[63]

Occasional news of Tom drifted back to San Francisco. In 1887, during Sarah Bernhardt's second visit to America, several old cronies attended a New York matinee *en masse:* Maguire, Colonel Henry Fritz, Billy Birch, Billy Bernard, and Dave Wambold. Maguire was "the same old-young coon."[64] The old-time minstrels had known many favors and many full pocketbooks during their years of association with Tom Maguire. As for "Colonel" Fritz, his was a story which delighted San Francisco historians: in the days of Maguire's Opera House, almost thirty years before, this gentleman, then popularly known as Maguire's "Fat Boy," had served as official bouncer and doorman of the establishment.[65] Now Tom's "erstwhile henchman," bodyguard, and shadow wore diamonds, and by admission had "nothing to do and plenty of money."[66] By virtue of accumulated funds invested in California wines and personal loans, he had attained the title of "Colonel" and a certain dignity unmarred by references to his former status as the "adipose appendage" of the now aging theatrical tycoon.

A San Francisco paper fell so far into error as to report Tom's death in 1888, but was informed that Tom was not dead "by a large majority."[67] Friends in New York found the old man "hale, hearty, vigorous, content."[68] Now, surely, Tom Maguire was grateful to that provident second wife, who enjoyed with him the security of a small steady income from her real estate investments of prosperous days.[69]

It seemed, at last, that Tom had embraced the calm of aging resignation; that, at length, no longer embattled by the forces of furious ambition, he had accepted banishment from the active competition of the theatre. An acquaintance of his early San Francisco days, one D. F. Verdenal, who relayed New York gossip about Californians for Sunday editions of the San Francisco *Chronicle*, painted a pastel portrait of the fiery ex-Napoleon: "Tom

Maguire, the veteran California stage manager, acknowledges to being 68 years of age and weighing 160 pounds. He has a good home, plenty to eat and drink, nothing to do, sleeps like a top, is on the free list at all the theaters, even when the same, the press excepted, is suspended, and is correspondingly happy. All of which illustrates the truth of the adage, 'Early to bed,' etc."[70]

The last sentence can be taken only as intended irony.

XIII. DEATH IN EXILE

ON THE RIALTO. Scene: Broadway and Twenty-ninth street; 4:30 P.M., New York, April 24th [1890]. Two gentlemen meet. One is gray-bearded—in fact, almost white—long and flowing, reminding one of pictures of the old patriarchs. If his hat were raised chances are his head would resemble a billiard ball. The other is gray-haired, but it is cut short, with no billiard ball tendency, and his mustache is of the same hue. "Hello, Tom!" says the first. "Why, hello, Dick," says the other, "come to see about that new theater the newspapers say you are about to build?" "Dick" is R. M. Hooley, formerly of the San Francisco Minstrels; "Tom" is Thomas Maguire, formerly boss of the San Francisco stage. As they talk awhile along comes No. 3, I might say, and both exclaim in one breath, "Why, hello, Billy! How are you?" The newcomer is a fattish little fellow with a merry twinkle in his eye and a mustache and goatee that are almost white. He greets his old associates warmly—does William Birch, once a star in clownish negro minstrelsy. It is a good day for California theatrical people, for within ten minutes by the watch the trio have greeted Marcus Mayer, J. C. Williamson, Clay Greene, Howard Taylor, Jeffreys-Lewis, Billy Falk, Charley Gall, Harry Courtaine, Ned Buckley, Eben Plympton, and Helen Tracy as they meandered down the promenade to the Rialto. "Looks like old times," says Marcus to Williamson.[1]

Tom Maguire had, indeed, settled down to a pleasant season of contentment. Beloved by a large group of transplanted Californians in New York, as well as by a larger body of professionals who had known him during the many years of his activity, "General" Tom—as he was now sometimes called,[2] found present joys in past triumphs. With other transplanted San Franciscans, he fell into the habit of dropping in, of an evening, at the Coleman House, there to reminisce happily.

One night in October 1890, it is recorded, when E. J. Baldwin and several other transients had gathered in the lounge of the Coleman, quiet Tom Maguire held forth for an hour about early San Francisco experiences.[3] He still hoped to open his own theatre in New York City, still talked of his plans to that effect.

The veteran was mentioned again and again in New York dispatches—still "chipper as a two-year old."[4] His ambitions were more and more vicarious, as he watched young Tom and young Charlie Goodwin make their way in the theatre world—never approaching his own gigantean days, but steadier and popular.

Tom's life in the eastern city had at length been reduced to simplest denominations. As he felt the pinch of encroaching poverty in this last decade, the ex-Napoleon was even seen, on Saturday afternoons, trotting about the markets looking for the best bargains in Sunday shopping. It was said that he and his old crony, Billy Birch, were experts in the matter and jointly boasted they could save about half of regular prices by doing their own marketing along Vesey Street, though they lived several miles away in the uptown district.[5]

Tom, described now as "thin, gray-mustached and grizzled,"[6] had forsworn alcoholic stimulants soon after his arrival in New York[7] but had retained a convivial habit and appearance which made him a favorite on Broadway. Here he appeared daily, "happy, cheery, brisk, with a good word for everybody and a welcoming smile for old Californians."[8] It is not surprising that, at length, his friends offered to the ex-Napoleon of the stage a "Monster Benefit" held at the Metropolitan Opera House in New York on May 10, 1894.

The Metropolitan Opera House was at this time under control of three long-experienced managers, the Messrs. Grau, Schoeffel, and Abbey. An imposing list of over fifty volunteers for the testimonial included: Nat Goodwin, Chauncey Olcott, Frank Mayo, Mr. and Mrs. James A. Herne, David Warfield, Clara Morris, Maggie Cline, and, assisting Louis Eldridge with flowers in the lobby, Mrs. DeWolf Hopper.[9] The benefit, beginning at twelve o'clock noon, must have stretched out for hours. Proceeds, it was reported, amounted to about $1,500.[10]

And now, at last, darker shadows were settling over the ex-Napoleon's last days. Was Tom, finally, ready to acknowledge himself defeated by age and circumstances? His second wife, who had cheered the years of exile in New York, at about this time was reported mentally unbalanced. The last of the money realized from her shrewd real estate investments was utilized to enter her in a private asylum.[11] Old Tom, left alone, was then for a time agent for a theatrical warehouse where discarded stage properties were stored. He supported himself "nobody exactly knows how."[12]

Poverty lowered about the once prodigal millionaire. Young Tom, feeling the pinch of another depression, with his own family to care for, still contributed occasionally from his salary as treasurer of the Fourteenth Street Theatre, but as the proceeds from the benefit disappeared, it was more difficult to keep food in the old man's larder. In the end, so the story goes, the Actors' Fund doled out a pittance to Old Tom, still brisk and apparently cheerful and unembittered.[13]

At the close of the year 1895 Tom finally was ill enough to take to his bed. A doctor and what medicines could be used were supplied by the Actors' Fund.[14] On January 20, 1896, Maguire died.

Distant friends who had long forgotten the old gentleman were startled by the dramatic journalese of the final accounts from New York. In the *Examiner* on the day after Tom's death a lurid picture was painted:

DIES IN ACTUAL WANT

Pitiful End of Thomas Maguire, the Old-Time Theatrical Manager Forced to Ask His Landlady for Food a Few Weeks Before the End

WELL KNOWN TO CALIFORNIANS

The Pioneer Amusement Director of San Francisco — His Friends Vanished With His Wealth

NEW YORK, January 20.—In a bare little room on the top floor of the boarding house at 111 West Twenty-eighth street Thomas Maguire, the pioneer theatrical manager of the Pacific Coast, died early this morning, wanting the barest necessities and comforts of life. Only three weeks ago the old man tottered from his barren room down the long flights of stairs and sought out his landlady, Mrs. Ellen Dunne.

"I'm starving," he said faintly, "I've tasted nothing in three days. Can't you give me something to eat?"

Mrs. Dunne was surprised. He had seemed to shun company, and she, believing he was being cared for in his room, had not visited him. But the hollow eyes and sunken cheeks told her that what he said was true, and from that time until he died he did not want for food.

Once it was not "Poor old Tom" Maguire at all, and that was when, in the midst of his fame and his riches, his friends were legion, but for the past ten or a dozen years he had been a broken down, broken-hearted old man, only too anxious to welcome death when it should come, and it came to-day and rang down the curtain on a career that was meteoric.

It was eight years ago [sic] Mr. Maguire, with but a shred of his once handsome fortune left to him, came from the theatre of his past triumphs—California—to New York, in the hope of bettering his financial condition. He soon found New York is not the place for men with a past, for New York demands men with a future; so it was only a few years before he became a charge upon his one charitable relative, Thomas Maguire, then Treasurer of the Fourteenth-street Theatre. Young Maguire could not do much for the old gentleman, so in the course of time he became dependent upon the charity of the Actors' Fund for existence. It was a precarious existence, too, but it enabled him to live.

Finally a benefit was given him at the Metropolitan Opera House, and this helped the old gentleman along, but in August of last year he went to reside at the house on West Twenty-eighth street, and his life there was cheerless and miserable. Christmas and New Year's Day he spent without a gift and without a visitor save Mrs. Dunne and her son, and on the day following the birth of the year the final collapse came. Two weeks ago an old California theatrical friend, Edward Kilday, heard of his condition and volunteered to act as the old man's nurse and attendant. He, with young Mrs. Maguire and Mrs. Dunne, supplied him with the necessities of life, but he was so feeble he could not even turn in his bed. His form was shrunk to almost nothing, and his skin was drawn tightly about the bones of his face until one would have found it impossible to recognize in him the dashing manager in California's golden days.

A physician was called in to see him Sunday. The physician labeled his condition with some long scientific name, but when Maguire died shortly after midnight every one who saw him as he lay asleep knew that it was old age and privation that had killed him, and nothing else. The Actors' Fund came to his aid to-day, for the society had the body removed to an undertakers' establishment in the afternoon, and on Wednesday afternoon the fund will further aid by giving him Christian burial, and wreaths of flowers will be placed above the emaciated form in the casket.

"Poor old Tom" was seventy-two years old.[15]

Though this news story contains recognizable inaccuracies and exaggerations, it is probably true enough in the essentials of the final details, many of which are confirmed in other accounts.[16] But was old Tom, as the reporter states, finally willing to accept death when it came? And whose was that last untruth about the veteran's age? A friend in San Francisco was emphatic in rebuttal—"He was 85 years old if he was a day."[17] Tales of the hardships of Tom's final poverty were also denied indignantly. His friend, Mr. Verdenal, in New York, summed up the affair with a light touch:

> Poor Tom's a cold! . . . His last years were not spent on luxurious lines, but he certainly did not want for the necessities of life, and until a few weeks before his death was around and about as usual with a cheery smile and friendly grip. It was hardly expected that "Tom" would go before Billy Birch or George Coes or Harry Courtaine! . . .[18]

When he died, Tom Maguire had not seen his adopted California city for a dozen years, for a dozen before that he had been declining from his early glory. It is not surprising that San Francisco commentators, too young to have felt his power or too forgetful to estimate it highly, should have offered their evaluations of this first great executive of the theatre in the West, this one-time "wealthiest theatrical manager in the world,"[19] in a vein more condescending than respectful:

> Maguire is of the past but I doubt if he did not deserve better fortune, for he was a liberal manager and generous when he was in luck.[20]
>
> With all his erratic management, he did a great deal to educate San Francisco to that point at which it now stands and which has won it a great critical reputation in the Eastern States. His pluck commanded admiration when his misfortunes drove him down.[21]
>
> Tom Maguire, in his time, has done about as many deeds in the true spirit of charity as any man living. As he kept the services rendered by his benevolent right hand a profound secret from the equally benevolent left, and as what is known leaked out only by accident, there is no way of getting at Tom Maguire's accounts in this world. While others talked, he did.[22]
>
> It is hard that the Napoleon of the early days should have had to face death under such circumstances; but his fate has been that of many other men, and in his case he may be said to have invited it. He had many faults, it is true, due mostly to the disadvantages under which he labored. Had Maguire been an educated man, he would have been a better one. He had some virtues. Let us weigh his virtues against his faults and judge him not too harshly.[23]

The last touch is that of Peter Robertson, *Chronicle* critic, who found occasion to praise "Maguire's always agreeable manner" with the comment, "I never saw him really coarse or vulgar, although he used slang when excited."[24]

And was this the man who swaggered handsomely about the streets of San Francisco; who unarmed stood off desperadoes; who risked thousands —even millions—of dollars for the joy of gambling; who defied advisers, legal restrictions, physical barriers, probabilities of heavy loss, in pursuit of an elusive Goddess of Art, Music, and the Theatre! Some years before, a San Francisco commentator had written a better epitaph:

> Mr. Maguire, who has gone back, after thirty years, to close his career in the city in which he first commenced it humbly, once brought out an opera company by which, when the house was packed, he lost three hundred dollars a night. . . . Maguire's commentary on the disastrous close of the season. "I lost thirty thousand dollars; but didn't I give them opera—eh?"[25]

NOTES TO CHAPTER X

1. According to the more generous estimate, he was sixty-five. *Chronicle*, January 26, 1896.

2. *Call*, August 3, 1873.

3. *Bulletin*, September 5, 1873. Mrs. Maguire evidently accompanied her husband on several eastern trips during the middle seventies. Although the news columns of San Francisco papers were curiously negligent in noting activities of his second wife, even when they commented fully on Tom's movements, the regularly published lists of transcontinental passengers on the new railroad gave information about arrivals in San Francisco. Other mentions of Mrs. Maguire: *Figaro*, May 15, 1875; *ibid.*, September 23, 1875; *Call*, October 15, 1876.

4. *Bulletin*, January 21, 1896.

5. *Chronicle*, November 27, 1898, pp. 8-9

6. *Ibid.*, January 21, 1896.

7. *Ibid.*, January 26, 1896.

8. *Ibid.*, January 21, 1896.

9. *Loc. cit.*

10. *Ibid.*, January 26, 1896.

11. Charles K. McClatchy, *Private Thinks of C.K.* (New York: The Scribner Press, 1936), pp. 262-65.

12. *Call*, January 19, 1874. Young Tom was listed in Langley's San Francisco Directory of 1873 as "asst. treas. Alhambra Theater."

13. *Chronicle*, October 31, 1880.

14. *Call*, February 14, 1875.

15. *Ibid.*, May 7, 1875.

16. *Ibid.*, February 21, 1875.

17. For a popular biography of this colorful character, see Carl Burgess Glasscock, *Lucky Baldwin* (New York: A. L. Burt Company, 1933).

18. David Belasco, "My Life's Story," *Hearst's Magazine*, XXVI, 348. Excerpts from this autobiography are quoted by special permission of Hearst's Magazine and the estate of David Belasco.

19. *Ibid.*, p. 349.

20. *Loc. cit.*

21. *Call*, August 1, 1875.

22. See *Call*, October 3, 1875, for a description of the Palace Hotel.

23. *Call*, February 27, 1876. The gas lights were "ignited" by electricity. *Call*, August 1, 1875.

24. *Ibid.*, March 5, 1876.

25. The opera house is described in the *Chronicle*, December 19, 1875; it opened on January 17, 1876.

26. *Chronicle*, April 9, 1876.

27. *Call*, January 30, 1876.

28. Quoted in *Call*, June 4, 1876.

29. *Call*, March 20, 1876. Piper's Opera House had been visited by fire in October 1875. *Call*, October 27, 1875. Piper's new house was opened in 1878. *Call*, February 3, 1878.

30. *Call*, January 7, 1876.

31. *Ibid.*, January 9, 1876.

32. *Ibid.*, January 11, 1876.

33. *Ibid.*, January 19 and 20, 1876.

34. *Ibid.*, February 20, 1876.

35. *Ibid.*, May 14, 1876.

36. *Ibid.*, October 1, 1876.

37. *Ibid.*, October 22, 1876.

38. *Ibid.*, October 25, 1876.

39. *Ibid.*, January 7; *Chronicle*, January 14, 1877.

40. *Call*, February 28, 1877.

41. There were many other applicants for the theatre. See *Call*, February 28, 1877.

42. *Call*, April 1, 1877; *Chronicle*, etc., May 2, 1877.

43. *Call*, March 14, 1877.

44. *Ibid.*, April 15, 1877.

45. *Ibid.*, January 7, April 22, 1877.

46. *Chronicle*, October 14, 1877.

47. *Chronicle*, May 13, 1877.

48. *Ibid.*, July 22, 1877.

49. In April 1878, Haverly brought his minstrels to San Francisco without benefit of Tom; Hooley had recovered management of his Chicago theatre in the spring of 1877. *Call*, April 15, 1877; Lyman B. Glover, *The Story of a Theatre* (Chicago: R. R. Donnelley and Sons, ca. 1900), p. 22.

50. *Chronicle*, March 25, 1882, Oakland *Tribune*, March 25, 1882; see also *Chronicle*, March 26, 1882.

51. *Ibid.*, August 24, 1877; *The Footlight*, August 25, 1877.

52. *Ibid.*, June 30, 1878. This included losses at the California for the period.

53. *Ibid.*, August 21, 1877.

54. *Ibid.*, August 26, 1877.

55. *Call*, July 29, 1877.

56. *Argonaut*, August 4, 1877.

57. *Loc. cit.*

58. *Call*, August 23, 1877.

59. *Chronicle*, November 14, 1877; see also *Call*, May 5, 1878.

60. *Argonaut*, November 10, 1877.

61. See *Call* (and other current newspapers) of June 3-5, 1876.

62. *Argonaut*, December 8, 1877.

63. *Call*, March 3, 1878.

64. *Ibid.*, May 5, 1878.

65. *Ibid.*, June 2, 1878.

66. *Ibid.*, June 9, 1878.

67. *Ibid.*, June 14, 1878.

68. *Ibid.*, September 8, 1878.

69. *Ibid.*, June 2, 1878.

70. See *Call*, May 12, August 4, 1878. Note, however, that Maguire's name is not found in advertisements.

71. *Call*, August 6, 1878.

72. *Ibid.*, August 18, 1878: quotation from a letter received in San Francisco from Maguire, but doubtless written by his secretary.

73. *Ibid.*, August 25, 1878: letter of Olive Logan, dated August 2, in Paris.

74. *Ibid.*, August 18, 1878.

75. *Ibid.*, August 23 and 30, 1878.

76. *Ibid.*, September 6, 1878.

77. *Ibid.*, May 12, 1878.

78. *Chronicle*, June 30, 1878; for Mr. Hill's comments on this published statement, see the *Call*, July 14, and the *Chronicle*, July 28, 1878.

79. *Call*, January 3, 1878.

80. *Ibid.*, February 27, 1878.

81. *Ibid.*, January-February 1878.

82. *Ibid.*, February 8, 1878.

83. *Ibid.*, February 7, 1878.

84. *Ibid.*, May 10, 1878.

85. *Chronicle*, August 25, 1878.

86. *Ibid.*, August 11, 1878; see also *ibid.*, August 10, 1879, about closing of theatres in New York.

87. *Call*, January 13, 1878.

88. *Ibid.*, September 18 and 20, 1878.

89. *Ibid.*, November 3, 1878.

90. *Chronicle*, December 29, 1878.

91. *Loc. cit.*

NOTES TO CHAPTER XI

1. George E. Barnes, "Pallida Mors," *Call*, March 2, 1884.

2. *Loc. cit.*

3. *Loc. cit.*

4. *Call*, October 6, 1878.

5. *Bulletin*, January 18, 1879.

6. David Belasco, "My Life's Story," *Hearst's Magazine* (March 1914 *et seq.*), XXVI, 610-12.

7. *Chronicle*, August 3, 1879. The life of James O'Neill is treated at length in U. S. Work Projects Administration, *History of the San Francisco Theater*, Vol. XX, "James O'Neill," San Francisco: Northern Calif. Writers' Program, 1942.

8. See review in *Call*, April 20, 1879.

9. Belasco, *op. cit.*, p. 610.

10. *Call*, March 9, 1879.

11. *Ibid.*, March 3 and 4, 1879.

12. *Ibid.*, March 4, 1879, contains the text of the ordinance introduced at the meeting of the Board of Supervisors.

13. *Chronicle*, August 3, 1879; Belasco, *op. cit.*, p. 610.

14. Belasco, *op. cit.*, p. 611.

15. *Call*, March 16, 1879.

16. See *ibid.*, March 11, 1879.

17. See comment in *Call*, April 13, 1879.

18. *Call*, April 18, 1879.

19. Though he eventually did pay his fine (on April 24).

20. *Call*, April 19, 1879.

21. See reports in *ibid.*, April 16-22, and in *Chronicle*, April 18-22 and May 22, 1879, for a running story of the affair.

22. *Call*, June 25, 1879.

23. *Ibid.*, April 10, 12, 14, 18, 1880.

24. *The Wasp*, May 15, June 26, 1880.

25. *Call*, September 5, 9, 12, 19, 1880.

26. See *Call*, October 18, 24, November 28; *Chronicle*, October 24, 31, 1880.

27. *Chronicle* and *Call* of December 12, 1880. See *Call* for letter from Salmi Morse to the New York press. The *Examiner* of December 12 says that Abbey had lost between $20,000 and $25,000.

28. *Chronicle*, December 12, 1880.

29. Quoted in *Examiner*, December 12, 1880. (But Bernhardt did not visit California at this time. Was the defection hers or Abbey's?)

30. See *Call*, October 8, 29, November 19; *Chronicle*, December 17; *Examiner*, December 17, 1880.

31. *Call*, February 4, 1883. See also *ibid.*, March 18, April 8, 1883; and cartoon and editorial in *The Wasp*, January 20, 1883.

32. *Call*, May 20, 1883.

33. *Bulletin*, February 23, 1884.

34. *Chronicle*, March 2, 1884; Barnes in *Call*, March 2, 1884; etc.

35. *Call*, February 4, 1883.

36. *Ibid.*, March 2, 1884.

37. Facts about Belasco's life and achievements are contained in: his autobiography, "My Life's Story," *loc. cit.;* William Winter's biography, *The Life of David Belasco* (New York: Moffat, Yard and Company, 1918); and the excellent summary and appraisal in Arthur Hobson Quinn, *A History of the American Drama from the Civil War to the Present Day* (New York: F. S. Crofts and Company, 1936); as well as in San Francisco newspapers and other publications.

38. Belasco had also had small parts at Shiel's Opera House during the fall of 1873 (*Figaro*, advertisement, August 18, ff.) and at Maguire's New Theatre in the fall of 1874. The *Call* of December 6, 1874, has an account of a benefit for young Belasco at Turn Verein Hall, San Francisco. See also Belasco's autobiography.

39. Belasco, *op. cit.*, p. 349.

40. *Loc. cit.*

41. *Op. cit.*, p. 348.

42. *Loc. cit.*

43. *Loc. cit.*

44. *Loc. cit.*

45. See note 38, *supra.*

46. *Dramatic Chronicle*, April 30, 1867, advertisement for first appearance of the Helen Western company in San Francisco. Quinn, *op. cit.*, I, 129 ff., gives a biographical sketch of Mr. Herne.

47. Belasco, *op. cit.*, p. 48; Quinn, *op. cit.*, I, 165, II, 322.

48. Belasco, *op. cit.*, p. 352.

49. Quinn, *op. cit.*, I, 198-99.

50. For dates and details of Belasco productions, current San Francisco newspapers were consulted.

51. The San Francisco *Call* gives Lyster credit as collaborator, but Quinn, *op. cit.*, mentions only Herne. The record is also complicated by claims of one Stephen Maybell. *Call*, February 23, 1879, Maybell's letter; *ibid.*, March 2, 1879, Belasco's reply.

52. *Chronicle*, September 10, 1879.

53. *Call*, September 29, 1879.

54. *Ibid.*, November 26, 1879. As "Hearts of Oak" it opened in November at Hamlin's, Chicago; on March 29, 1880, the piece opened at the Fifth Avenue Theatre, New York, where it was a failure (*Call*, April 5, 1880).

55. Belasco, *op. cit.*, p. 465.
56. *Call*, July 19, 1880.
57. *Ibid.*, October 31, 1880.
58. *Ibid.*, August 30, 1880.
59. Belasco, *op. cit.*, pp. 612-15.
60. The play opened at Wallack's in May 1882. Belasco gives a full account of negotiations, *op. cit.*, pp. 614-15.
61. *Ibid.*, pp. 614.
62. *The Wasp*, December 16, 1881.

NOTES TO CHAPTER XII

1. *Examiner*, November 3, 1879.
2. *Call*, October 26, 1879.
3. *Examiner*, *loc. cit.*
4. Belasco, *op. cit.*, p. 350.
5. *Call*, April 13, 1879.
6. *Ibid.*, June 1, 1879.
7. *Chronicle*, February 7, 1886, and April 17, 1887. According to the *Call* of May 4, 1880, O'Neill refused an eastern offer in order to remain in San Francisco under Maguire.
8. *Call*, February 7, 1880, ff.
9. *Ibid.*, November 24, 1879.
10. *Ibid.*, August 31, 1879.
11. Belasco, *op. cit.*, p. 784.
12. *The Wasp*, October 4, 1879.
13. *Call*, February 8, 1880.
14. *Ibid.*, March 21, 1880.
15. *Chronicle*, November 2, 1879. Belasco, *op. cit.*, p. 348, says the Neilson contract was signed on his back in front of Baldwin's.
16. McClatchy, *op. cit.*, p. 265.
17. *Call*, July 4, 1880.
18. Adelaide Neilson had visited San Francisco in 1874 and again in 1879.
19. See *Call*, October 31, November 7, 1880.
20. *Examiner*, December 19, 1880.
21. *Call*, February 13, 1881.
22. *Ibid.*, February 13, 20, 27, 1881.
23. *Examiner*, March 13, 1881.
24. *Call*, June 12, 1881.
25. *The Wasp*, June 8, and *Examiner*, June 19, 1881.
26. *Call*, August 6, 1881.
27. *Ibid.*, October 2, 1881.
28. *The Wasp*, November 18, 1881.
29. Belasco, *op. cit.*, p. 613.
30. *Ibid.*, p. 788.
31. *Ibid.*, p. 787.
32. "Undertones," *Chronicle*, April 27, 1884.
33. Judgment was for Baldwin. *Alta*, May 6, 1882; *Call*, May 7, 1882.
34. *Call*, May 7, 1882. This is another of the frequent references which seem to indicate that Maguire was not entirely illiterate.
35. *Chronicle*, April 30, 1882.
36. Ingoldsby's column, *Argonaut*, August 4, 1877.
37. Belasco, *op. cit.*, pp. 788-89.
38. *Examiner*, July 2, 1882.

39. *Call*, June 11, 1882.

40. On the original visit to California, the Hanlon family probably consisted of George, William, and Alfred. In 1882 the troupe was probably augmented by addition of Frederick and Edward, two more brothers. T. Allston Brown, *A History of the New York Stage* (New York: Dodd, Mead and Co., 1903), III, 204-6, gives a history of the family. See also *Call*, June 11, 1882.

41. *Call*, August 6, 1882. Belasco had already departed for the East with Gus Frohman, to make his start at last on Broadway.

42. *Call*, November 16, 1882; *Chronicle*, November 19, 1882.

43. *Call*, December 10, 1882.

44. *Call*, January 28, 1883.

45. *Ibid.*, March 5, 1883.

46. *Ibid.*, July 22, 1883.

47. *Ibid.*, October 14, 1883.

48. Hayman was no longer connected with the Baldwin when the hotel and theatre were destroyed in 1898. A disastrous fire on the night of November 23 cost several lives and resulted in complete loss to "Lucky" Baldwin, who had insured the two-million-dollar building for only $100,000. *Chronicle*, November 23, 1898.

49. *Ibid.*, May 18, 1884.

50. *Loc. cit.*

51. *Alta*, May 18, 1884.

52. *Call*, May 18, 1884.

53. *Chronicle*, May 18, 1884.

54. *Loc. cit.*

55. *Call*, July 20, 1884.

56. *Alta*, August 24, 1884.

57. *Call*, November 16, 1884.

58. *Ibid.*, April 4, 1886.

59. *Ibid.*, May 16, 1886.

60. *Ibid.*, June 27, 1886.

61. See *ibid.*, April 17, 1887; *Chronicle*, April 15, 1888, August 12, 1888, December 16, 1888, November 2, 1890; *Call*, June 11, 1893; *Chronicle*, June 18, 1893; New York *Herald*, June 17, 1894.

62. See *Call*, July 31, 1887, October 9, 1887; *Chronicle*, March 4, 1888, November 2, 1890, December 13, 1891, September 4, 1892.

63. *Chronicle*, February 25, 1888. The old California saw its final performance August 11, 1888; a New California succeeded on the historic site.

64. *Chronicle*, April 17, 1887.

65. See also *Call*, January 29, 1905, and *Examiner*, January 29, 1905.

66. *Chronicle*, September 20, 1891; see also *ibid.*, April 17, 1887, and January 14, 1894.

67. *Ibid.*, October 7, 1888 (Verdenal's New York letter).

68. *Ibid.*, March 10, 1889.

69. *Ibid.*, January 26, 1896.

70. Verdenal letter, *ibid.*, October 20, 1889; but see also *Call*, July 10, 1890.

NOTES TO CHAPTER XIII

1. Verdenal's letter, *Chronicle*, April 27, 1890.

2. *Ibid.*, August 24, 1890.

3. *Ibid.*, October 19, 1890.

4. *Ibid.*, April 17, 1892.

5. *Ibid.*, May 20, 1894.

6. *Loc. cit.*
7. *Ibid.*, October 19, 1890.
8. *Ibid.*, April 8, 1894.
9. New York *Herald*, May 10, 1894, pp. 2 and 7.
10. *Ibid.*, May 11, 1894, p. 6.
11. "The Napoleon of Theatricals," *Chronicle*, January 26, 1896.
12. *Loc. cit.*
13. Verdenal's letter, *Chronicle*, February 2, 1896.
14. *Bulletin*, February 8, 1896.
15. *Examiner*, January 21, 1896.
16. Other obituary notices: *Chronicle*, January 21, 1896; *Call*, January 22, 1896; *Bulletin*, January 21, 1896.
17. *Chronicle*, January 26, 1896.
18. *Ibid.*, February 2, 1896.
19. "In the Early Days," *Chronicle*, January 21, 1896.
20. "Undertones," *Chronicle*, February 7, 1886.
21. *Ibid.*, May 18, 1884.
22. *Freund's Daily*, April 10, 1883; quoted in the San Francisco *Call* of April 22, 1883.
23. Barnes, "The Dead Napoleon," *Bulletin*, January 21, 1896.
24. *Chronicle*, November 27, 1898.
25. *Call*, November 7, 1880.

Recent Californiana

A Check List of Publications Relating to California

BOOKS AND PAMPHLETS

Boggs, Mae Helene Bacon

My Playhouse Was a Concord Coach: an Anthology of Newspaper Clippings and Documents Relating to Those Who Made California History During the Years 1822-1888. [Privately printed in Oakland, 1942.] xvi + 763 pp., many ills. Large 4to.

Camp, Charles L. [and others]

From Land's End to the Ferry. San Francisco: The Black Vine Press [1942]. [61 pp.] Articles written for Harbor Day by Charles L. Camp, George D. Lyman, Charles Caldwell Dobie, William R. P. Clark, Carroll D. Hall, George L. Harding, Edgar M. Kahn, Francis P. Farquhar, Lee L. Stopple, George W. Dawson, Douglas S. Watson, Carl I. Wheat, Dolores Waldorf Bryant, Chauncey P. Leake, Ernest L. Wiltsee, Felix Riesenberg, Jr., Lewis L. Allen, Oscar Lewis, Earle V. Weller.

[Dominican Sisters of San Rafael]

The Dominicans of San Rafael, First Chapters in the Story of the Dominican Congregation of the Holy Name of Jesus in California, a Tribute from Many Hands. The Dominican Convent of San Rafael, 1941. [7 l.] + 108 pp. + [3 l.], illus. (Printed at the Grabhorn Press, San Francisco.)

Gardner, Francis Tomlinson

The Gold Rush and a Hospital [The City Hospital, San Francisco].
Reprinted from *Bulletin* of the History of Medicine, Vol. XI, No. 4 (April 1942).

Hays, Louise F.

Benjamin Franklin Keene, First President of the California Medical Association.
Reprinted from *California and Western Medicine,* Vol. LVI, No. 6. [4] pp., port.

Hutton, William Rich

California 1847-1852, Drawings by William Rich Hutton, Reproduced from the Originals in The Huntington Library, With an Introduction by Willard O. Waters. San Marino: The Huntington Library, 1942. [3] pp., 56 plates. $5.00.

Lillard, Richard G.

Hank Monk and Horace Greeley.
Reprinted from *American Literature,* Vol. XIV, No. 2 (May 1942), pp. 126-34.

McCarthy, Reverend Francis Florence

Hunter's Point. San Francisco: Flores Paramount Press, 1942. [5] + 43 pp., illus.

Scherer, James A. B.

Thirty-First Star. New York: G. P. Putnam's Sons, 1942. xiii + 371 pp., illus. $3.50. Thomas Hart Benton, John C. and Jessie Benton Frémont, William M. Gwin, David C. Broderick, Albert Sidney Johnston, and Thomas Starr King live again in this account of the dramatic period of California's history, from 1846 to 1864.

Sutter, John Augustus

Six French Letters, Captain John Augustus Sutter to Jean Jacques Vioget, 1842-1843, together with Translations in English, by The Nugget Editions Club of C. K. McClatchy Senior High School. Sacramento: The Nugget Press, 1942. x + [1] + 40 pp., incl. front.

U. S. Work Projects Administration

American Imprints Inventory, No. 31, A Check List of California Non-Documentary Imprints, 1833-1855. San Francisco: The Northern California Historical Records Survey, Service Division, 1942. xvii + 109 pp. [Mimeographed.]

——Biographies of California Authors and Indexes of California Literature. Oakland: The Alameda County Library, 1942. 2 v. [Mimeographed.]

——Calendar of the Francis Bret Harte Letters in the William Andrews Clark Memorial Library (University of California at Los Angeles). Los Angeles: The Southern California Historical Records Survey Project, 1942. ix + 36 pp. [Mimeographed.]

——History of the San Francisco Theatre, Vol. XX, James O'Neill, San Francisco: Writers' Program . . . in Northern California, 1942. [1] + 130 + [1] pp., front. [Mimeographed.]

——Inventory of the County Archives of California, No. 1, Alameda County (Oakland), Vol. II, San Francisco: The Northern California Historical Records Survey, 1942. 381 pp. [Mimeographed.]

——Inventory of Federal Archives in the States, Series IV, The Department of War, No. 5, California, Part I, San Francisco: The Survey of Federal Archives, 1942. v + 296 pp. [Mimeographed.]

WAGNER, HENRY RAUP

Bullion to Books: Fifty Years of Business and Pleasure. Los Angeles: The Zamorano Club, 1942. [ix] + 370 pp., ills. $6.00.

WHEAT, CARL I.

The Maps of the California Gold Region, 1848-1857: a Biblio-Cartography of an Important Decade. San Francisco: The Grabhorn Press, 1942. xlii + 153 pp., 26 plates. Folio. $20.00.

ARTICLES IN PERIODICALS

THE HEADLIGHT

Vol. II, No. 7 (July 1942) contains: "What's in a Name? Romance along the Line of the W[estern] P[acific]," by Thomas P. Brown. [The first of a series of articles on the derivation and meaning of place names.]

THE PACIFIC HISTORICAL REVIEW

Vol. XI, No. 2 (June 1942) contains: "Francis Drake's California Anchorage in the Light of the Indian Language Spoken There," by Robert F. Heizer and William W. Elmendorf.

PROGRESS-BULLETIN

Vol. I, No. 1 (April 1942) contains: "Trouble Over Tahoe Water," by Richard G. Lillard. [The magazine is published for the Los Angeles Junior College District by the College Press, Los Angeles City College.]

THE QUARTERLY, HISTORICAL SOCIETY OF SOUTHERN CALIFORNIA

Vol. XXIV, No. 2 (June 1942) contains: "Larkin's Monterey Customers," and "Larkin's Monterey Business: Articles of Trade, 1833-1839," by Robert J. Parker; "An Account of an Eccentric Angeleno [Paul R. Hunt]; an Example of Early Los Angeles Dialect Humor," by William B. Rice; "Pioneer Lumber Dealers in Los Angeles," by W. F. Montgomery.

SIERRA CLUB BULLETIN

Vol. XXVII, No. 4 (August 1942) contains: "Early Botanical Ascents of Mount Shasta," by Willis Linn Jepson; "Walker's Discovery of Yosemite," by Francis P. Farquhar.

THE SIREN

Vol. I, No. 4 (July 1942) contains: "Fighting Fires in '49," by Louis W. Hage; "Fire Horses of Old San Francisco," by Louise Taber.

News of the Society

Meetings

The monthly luncheon meeting of the California Historical Society was held at the Palace Hotel, San Francisco, on June 16, with an attendance of fifty-four. The speaker was Brother Cornelius, F.S.C., of Saint Mary's College, and his subject, "William Keith in the History of California."

In his talk Brother Cornelius sketched Keith's early background in Scotland, told of his coming to California and discussed his friendship with that other famous Scot who loved this state, John Muir. He read the fine tributes to Keith by Edward Rowland Sill and Edwin Markham, and told the story of Keith's meeting with James M. Hutchings, of Yosemite.

Brother Cornelius also discussed the quality and scope of Keith's work and displayed a selection of reproductions of Keith paintings, mostly California scenes. Reference also was made to episodes in the life of the artist which are to be recounted in Brother Cornelius' book, *Keith, Old Master of California*, soon to be published by G. P. Putnam's Sons.

"Jessie Benton Frémont—A Great American" was the subject of the interesting address of Dr. James A. B. Scherer, at the August meeting of the California Historical Society. The meeting was held in the Comstock Room, Palace Hotel, San Francisco, on Tuesday, August 18, with forty-three members and guests in attendance.

Dr. Scherer, whose new California book, *Thirty-first Star*, was making its appearance that week, gave an animated account of the character of Jessie Benton Frémont and of the influential part she played in the winning of the West. Due note was taken of her famous father, United States Senator Thomas Hart Benton, of Missouri—"Old Bullion"—and of her brilliant husband, John Charles Frémont, the Pathfinder; but the vivid personality of Jessie Benton Frémont was ever foremost. Her intense devotion to her husband was stressed.

Their life in California during the Gold Days was described, and reference was made to their residence at Black Point, San Francisco. Associations with Thomas Starr King, Bret Harte and other interesting personages of the time were recounted. Above all, Mrs. Frémont was enthusiastic about old San Francisco, said Dr. Scherer. She exclaimed, "I love its every sand-dune."

AUBREY DRURY

Gifts Received by the Society

June 1, 1942, to August 31, 1942

BOOKS AND PAMPHLETS

From MR. W. E. BURDEN, JR.—Fowle, William B., *The Common School Speller* . . . Boston: Ide & Dutton, 1853 (used at Shaw's Flat).

From MRS. EDMOND D. COBLENTZ—U. S. Work Projects Administration, Northern Calif., Writers' Program, *Berkeley, The First Seventy-Five Years*, Berkeley: The Gillick Press, 1941.

From MISS LUCIE DOBBIE—Cook, S. F., *Population Trends among the California Mission Indians*, Berkeley and L. A.: Univ. of Calif. Press, 1940; *idem*, *The Mechanism and Extent of Dietary Adaptation among Certain Groups of California and Nevada Indians*, Berkeley and L. A.: Univ. of Calif. Press, 1941.

From MRS. MILTON H. ESBERG—Todd, Frank Morton, *The Chamber of Commerce Handbook for San Francisco* . . . S. F., 1914.

From MR. FRANCIS P. FARQUHAR, MR. GARFIELD D. MERNER, MR. CARL I. WHEAT—Stevenson, Robert Louis, *The Sea Fogs, a Chapter from The Silverado Squatters*, Bohemian Grove, Calif.: [Printed by the Grabhorn Press, 1942].

From MR. JOHN D. GALLOWAY—*Walker's Manual of Pacific Coast Securities, 1935, 1937, 1938*, S. F., 1935, 1937, 1938, 3 vols.

From MR. SOPHUS HARTWICK—Hartwick, Sophus, *Danske i California og California historie* . . . San Francisco, 1939. 2 vols.

From MR. B. F. HOWARD—Parker, Samuel, *Journal of an Exploring Tour beyond the Rocky Mountains . . . in the Years 1835, '36, and '37* . . ., 3d ed., Ithaca, N. Y.: Mack, Andrus & Woodruff [etc.], 1842.

From MRS. A. JANNAPOLIS—Woolley, L. H., *California, 1849-1913* . . . Oakland, 1913; *Inverness* (illus. folder); *Undaunted* (S. F., 1915); and others.

From MISS FLORENCE R. KEENE—Caldwell, George W., *Ghost Stories of the California Missions and Rhymes of the Gypsy Trail*, Hollywood, Calif.: G. W. Caldwell [1939]; Ford, C. I., *Rhymes of a Postman*, N. Y.: The Exposition Press [1940]; Goodwin, Joseph R., *Musings*, Portland, Maine: The Dirigo Editions, 1940.

From MR. GLENN A. KENNEDY—Kennedy, Glenn A., "The American Ancestry of Yvonne Odette Kennedy," 1942 (typescript).

From GEORGE H. KRESS, M.D.—Hays, Louise F., "Benjamin Franklin Keene," repr. from *California and Western Medicine*, Vol. LVI, No. 6.

From MR. RICHARD G. LILLARD—Lillard, Richard G., *Hank Monk and Horace Greeley*, repr. from *American Literature*, Vol. XIV, No. 2 (May 1942).

From GEORGE D. LYMAN, M.D.—Gould & Curry Silver Mining Co., *Annual Report*, 1865, 1867, 1869, S. F., 1865 [1867, 1870 (?)]; Hale and Norcross Silver Mining Co., *Annual Report*, 1867, 1870, 1871, 1872, S. F., 1867, 1870, 1871, 1872; Savage Mining Company, *Annual Report* 1868, 1869, 1870, 1871, S. F. [1868(?)-71].

From MR. M. HALL McALLISTER—*Blaisdell Papers*, Vol. II, No. 3, Blaisdell Family Association, 1942.

From C. K. McCLATCHY SENIOR HIGH SCHOOL—*Six French Letters, Captain John Augustus Sutter to Jean Jacques Vioget, 1842-1843 . . . Trans. . . . by The Nugget Editions Club of C. K. McClatchy Senior High School*, Sacramento: The Nugget Press, 1942.

From MR. GEORGE A. MERRILL—State of Maine Association of California, *Historical Bulletin*, 1913, San Francisco, 1913.

From MR. MILTON SCOTT—Cronise, Titus Fey, *The Natural Wealth of California . . .*, San Francisco: H. H. Bancroft & Company, 1868.

From ALBERT SHUMATE, M.D.—*The Dominicans of San Rafael, First Chapters in the Story of the Dominican Congregation of the Holy Name of Jesus in California . . .* The Dominican Convent of San Rafael, 1941.

From MISS SUE O. SHOEMAKER—Hummel, N. A., comp., *General History and Resources of Washoe County, Nevada . . .* Reno, Nevada, 1888; King, Rev. T. Starr, *American Nationality, an Oration . . . Delivered in San Francisco*, S. F., 1863.

From U. S. WORK PROJECTS ADMINISTRATION—*American Imprints Inventory*, No. 31, *A Check List of California Non-Documentary Imprints 1833-1855*, S. F., 1942; *Calendar of the Montana Papers in the William Andrews Clark Memorial Library*, L. A., 1942; *History of San Francisco Music*, Vol. VII, *An Anthology of Music Criticism*, S. F., 1942; *Inventory of Federal Archives in the States*, Series IV, Dept. of War, No. 5, *California*, Part 1, S. F., 1942.

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From MR. WILLARD O. WATERS—*California 1847-1852, Drawings by William Rich Hutton, Reproduced from the Originals in The Huntington Library*, Introd. by Willard O. Waters, San Marino: The Huntington Library, 1942.

From MISS LOTTIE G. WOODS—Fowler, Laura T., *Manual of Oral Instruction, for Teachers and Pupils . . .* S. F.: H. H. Bancroft and Company, 1867; *The Golden Chain*, Vol. III, Nos. 1-12 (Jan.-Dec. 1902); *The Land of Living Color*, S. F., (1915); *Laudamus, Portraits of Notable Musicians* (S. F.): Sherman, Clay & Co. (1911); *Rand, McNally & Co.'s . . . Railroad and County Map of California . . . Chicago* (1882); and others.

MAGAZINES AND NEWSPAPERS

From MR. EDMUND KINYON—Subscription to *Ghost Town News*, beginning with Vol. I, No. 6, Aug. 1942; also Souvenir Edition, n. d.

From MRS. A. JANNAPOLIS—*New San Francisco Magazine*, May and Dec. 1906; *The Wasp*, Dec. 1905; *The Wasp News Letter*, Dec. 26, 1931, and others.

From MR. A. S. MACDONALD—Carmel *Cymbal*, April 10, 1942, and miscellaneous newspaper clippings, mostly from the Oakland *Tribune*.

From MISS SUE E. SHOEMAKER—*California Magazine & Mountaineer*, Vol. VI, No. 7 (Feb. 1862); Ione *Chronicle*, May 14, June 4, 1863; Jackson *Amador Weekly Ledger*, Feb. 26, May 28, June 18, 25, 1859; Jan. 14, 1860; April 11, 1863; Jackson *Weekly Ledger*, July 18, 1857; Jackson *Owl*, Aug. 25, 1854; Reno, Nev., *The Snowbound*, Jan. 31, 1890; Sacramento *Daily Register*, Aug. 14, 1859; Sacramento *Daily Union*, Jan. 18, 27, Aug. 30, 1862; July 1864 (1 sheet); Sacramento *Weekly Union*, Jan. 25, 1862; S. F. *Call*, May 21, 1895; S. F. *California Christian Advocate*, Mar. 24, Oct. 5, 1855; S. F. *Christian Recorder*, Oct. 10, 1855; S. F. *Golden Era*, July 16, Sept. 17, Oct. 29, Nov. 12, Dec. 17, 1854; April 1, 8, July 29, Oct. 7, 28, Dec. 2, 1855; Feb. 10, 17, 1856; Dec. 1, 22, 1861; Jan. 5, July 6, 1862; Volcano *Weekly Ledger*, April 4, 11, 1857; and others.

PICTURES AND MAPS

From MR. AND MRS. WARNER BROWN—7 daguerreotype views of San Francisco (ca. 1850), framed.

From MR. JOSEPH FAUNTLEROY—2 photographs of Mr. Rains, of Humboldt County (late 1850's or early 60's) and a daguerreotype of his daughter Stella.

From MR. JAMES K. FISK—Post cards: 32 of San Francisco Earthquake and Fire and 8 other views of San Francisco.

From MR. M. HALL McALLISTER—13 photographs: William F. Babcock, H. M. Breed, Judge Stephen J. Field (2), Harry Hammond, H. E. Highton, Judge Ogden Hoffmann, George F. Knox; Mr. Osgood; George F. Sharp; Mr. Stetson; John F. Wissman (2).

From MRS. CHARLES E. MACKENZIE—Photograph of Mr. and Mrs. Swanton, of Pescadero, their daughter, and granddaughter.

From MISS SUE O. SHOEMAKER—Pictures from *The Hesperian*, various issues, 1859-, and portraits from other magazines.

From MISS LOTTIE G. WOODS—photographs of Dr. Holman and the Rev. Dr. Stone; Goat Island from Rincon Hill, 1867 (framed); 3 of Panama-Pacific International Exposition, and others.

MISCELLANEOUS

From MR. FREDERICK J. BOWLEN—Edwards, Ernest, "Fire Story" (10 galley sheets of an unpublished story of the San Francisco Earthquake and Fire, 1906); "Outline of the History of the San Francisco Fire," and "A Summary of the Introductory Paragraphs" (typescript).

From MR. ARTHUR GRADWOHL—Odd Fellows' Cemetery Association, San Francisco, bill for care of Robert Irvine's Lot, 1883.

From MRS. A. JANNAPOLIS—Articles concerning San Francisco Earthquake and Fire (newspaper clippings and typed transcripts from books, magazines & newspapers); also transcripts and clippings on other subjects.

From GEORGE D. LYMAN, M.D.—Coin commemorating Pony Express, issued by Wells Fargo Nevada National Bank of S. F.; metal plaque, "In Line of Duty," by H. Rupé, depicting hold-up of Wells, Fargo & Co.'s Express stagecoach.

From MR. A. S. MACDONALD—Numerous programs, invitations, etc.

From MISS SUE O. SHOEMAKER—Invitations: Fiddletown, U. S. Hotel, Oct. 21, 1853; Willow Springs House, Nov. 9, 1853, also Nov. 9, 1854; Fiddletown, Sign of the Star, May 12, 1854 (2); Fiddletown Fourth of July Celebration, June 28, 1854; Cook's Bar, Kremlin Hall, Dec. 1, 1854; Michigan Bar, Nebraska Hall, Jan. 8 and Sept. 14, 1855; San Andreas, new Odd Fellows Hall, Oct. 24, 1856; Indian Diggings, Union Hotel, Dec. 27, ——.

From MISS LOTTIE G. WOODS—"The March of the Golden Gate," composed by Charles H. Cassasa, and various invitations, programs, catalogs and newspaper clippings.

In Memoriam

ROBERT ERNEST COWAN

1862-1942

Mr. Robert Ernest Cowan, one of our oldest members, died on May 29, 1942, after a month's illness. He had served as our vice-president from 1923 to 1932 and was a member of our Board of Directors and committee on publication from 1922 until his death. In February 1933 he became president and served for one year. Several times he addressed the luncheon meetings and in the early days of the Society contributed numerous short articles to the QUARTERLY.

Mr. Cowan was born in Toronto, Canada, on July 2, 1862, and came to the United States with his parents (Robert Hawke and Lydia Peer Cowan) in 1870. He attended the University of California from 1882 to 1884 and in 1929 was given the honorary degree of Master of Arts by the University of Southern California. He first entered business life as a clerk in a music store in San Francisco, and in 1895, after spending some years as a clerk in an old book store, embarked in the book business for himself. In this he continued until 1919, latterly operating from his own home. He was acquainted with all of the collectors of the day and most of the old booksellers. When I first became acquainted with him in 1915 he had amassed a large collection of books, chiefly of California interest. In 1914 The Book Club of California published his *Bibliography of California*, a selected list of a thousand items, well described with many interesting and informative notes. From this he obtained a world-wide reputation as an authority on the subject. John Henry Nash printed the volume, and out of it grew his connection with William Andrews Clark, Jr. When Mr. Clark, who was engaged in bibliographical work on some of his collection, expressed a desire for some assistance, Mr. Nash recommended Mr. Cowan for the position. Mr. Clark was favorably impressed by Mr. Cowan's work and his charming personality and in 1919 appointed him librarian of his magnificent library in Los Angeles. With Mr. Clark Mr. Cowan collaborated in producing some half dozen bibliographies of English authors during the ensuing few years. He remained with the Clark library until 1933. In that year, with his son, Robert Granniss Cowan, he produced his enlarged *Bibliography of California* and shortly thereafter sold his collection of California books to the University of California at Los Angeles.

During his remaining years he amused himself by trading in books and writing down his recollections of the past. In 1938 the Ward Ritchie Press published his *Forgotten Characters of Old San Francisco*, and during the last two years he worked on "The Old Booksellers of San Francisco." The manuscript was finished shortly before he was taken ill, and no doubt the book will be published in the near future.

Besides these works characteristic of Mr. Cowan's prodigious memory and knowledge of San Francisco of the past fifty years, he published several bibliographical monographs. He was a well-read man of many interests and interlarded his interesting talks with many apt quotations.

In 1894 Mr. Cowan married Marie Margaret Fleissner, who predeceased him by a few years. He leaves a son and two grandsons.

H. R. WAGNER

GARRET W. MCENERNEY
1865-1942

Garret William McEnerney, a sustaining member of the Society, died on August 4, 1942. Mr. McEnerney was born at Napa, California, on February 17, 1865. He was educated at St. Mary's College, San Francisco, from which he received the degree of B.S. in 1881. He studied law at Napa and began the practice thereof at San Francisco in 1886, and continued to practice at San Francisco until the time of his death.

While he was yet a young man Mr. McEnerney achieved an extraordinary position not only in his profession but in the community generally, and he was regarded at the time of his death and for many years prior thereto as the leader of the Bar in California. He early became so eminent that in 1901 he was appointed a regent of the University of California, was reappointed from time to time and remained such until his death. Following the conflagration of April 1906 and the destruction of the legal records in San Francisco, Mr. McEnerney was requested to draft legislation which would take care of the situation. Out of this grew the well known McEnerney Act, which permitted the restoration of burned or destroyed records and which is still in use.

He participated in many notable matters of litigation. Among others, he represented the Roman Catholic archbishop and bishops of California in the arbitration between the United States and Mexico at The Hague Tribunal in relation to the Pious Fund, and was counsel for the executors in the famous Fair case. He continued in most important practice almost to the time of his death and was always notable for the extreme care which he used in the preparation of his cases and briefs.

Mr. McEnerney was married twice: first to Elizabeth Hogan, who died on September 25, 1900, and second, to Genevieve Green, who died on June 7, 1941. He had no children. His will, made public shortly after his death, was remarkable in the provisions he made for the University of California and for charitable causes around San Francisco, as well as for the number of his friends whom he remembered. His benefactions were not, however, confined to his bequests but were notable, particularly as regards the University of California, in creating scholarships for students during his lifetime.

ALLEN L. CHICKERING

C. Hart Merriam

1855-1942

Dr. Clinton Hart Merriam, the distinguished naturalist and one of the oldest members of this Society, died in Berkeley on March 19 at the age of eighty-six. His active life was devoted to exploration, research and the organization of scientific work. He founded and nurtured some of our most useful and flourishing institutions, and later workers, now engaged in the advancement of the fields that he pioneered, owe much to the inspiration of his leadership.

Merriam was born in New York City on December 5, 1855, the son of Clinton Levi and Caroline Hart Merriam. His father was a well-known banker in New York City and a representative in Congress in Washington. Even as a child his prime interests lay in the world of animals and plants. He came to know the insects, marine life, reptiles, birds and mammals so well that when only sixteen he was appointed as assistant naturalist to F. V. Hayden's newly organized Government Survey of the Territories. Thus began his study of the West, leading eventually to an intimate knowledge of wild life in every part of the country.

He graduated from Yale in 1877, and from the College of Physicians and Surgeons at Columbia University in 1879. He then engaged as a country doctor at Locust Grove, Lewis County, New York, meanwhile carrying on an extensive correspondence with naturalists and collectors, building up his own museum of study material and writing papers and reports. During this period he designed scientific and surgical instruments, some of which are in use today. He also wrote a medical treatise, but the manuscript was lost on its way to the printer.

On February 18, 1883, he wrote: "I have abandoned a large and successful as well as a remunerative practice in order to devote myself to scientific work, and must hereafter 'make both ends meet' a little closer than I have been in the habit of doing." An immediate post as surgeon on the S.S. *Proteus* permitted him to study marine mammals, especially the seal fisheries of Newfoundland, Labrador and Greenland. This led to his appointment in 1891 as fur seal commissioner for the United States to study the fur seal problems on the Pribilof Islands. He kept up a part of his medical practice until about this time.

He visited the natural history museums of Europe, and in 1885 was invited to organize the new division of ornithology in the Department of Agriculture. This became the well-known Bureau of Biological Survey, whose activities he directed for twenty-five years. As its chief he organized and led surveys and expeditions into all parts of the country. Its scientific reports, incorporated into the series of monographs known as the *North American Fauna*, were founded, edited and frequently written by Merriam himself.

In the course of these studies the concept of "life zones" was propounded, based on the vegetation belts occurring on such mountains as Shasta, in California, and San Francisco Peak, in Arizona. This theory of temperature control in the geographic distribution of life has been especially stimulating to western naturalists who have followed his trails in mountains and deserts. Merriam's plan for the scientific work of the survey, adopted during the course of his administration and for many years thereafter, was to select a single critical area and concentrate the effective effort thoroughly in that region. The Death Valley expedition of the nineties was a model of work carried on by this method.

His intimate, first-hand knowledge of the remote parts of America was probably unequaled. He was extremely sensitive and sympathetic to the needs of the Indians. He followed the paths of the pioneer explorers and knew their stories, he watched the growth of white settlements and helped and advised in their struggles, and as chairman of the U. S. Board on Geographic Names he became active in the establishment of uniform place names. He was also one of the founders of the National Geographical Society and served as one of its directors for fifty-four years.

He served on the editorial board of *Science* for forty-seven years and was a co-founder of the American Ornithologists Union, the American Society of Mammalogists, and the Carnegie Institution of Washington. Of the first two of these and of the American Society of Naturalists, the Anthropological Society of Washington, the Linnean Society of New York, the Yale Society of Natural History and the Lewis County (N. Y.) Medical Society he served as president. He received the Linnean Society Medal and the Roosevelt Medal for "distinguished work in biology." Characteristically, he always refused to accept academic degrees (except his M.D.) because he did not want to appear in public in "skirts."

After Charles Sheldon's death Merriam edited and published the superb volume rewritten from Sheldon's notebooks and entitled "Wilderness of the Delai"; he had previously edited two of Sheldon's other books. All this was done as an act of friendship, and so skillfully that Sheldon's own personality and style were preserved.

Edward H. Harriman called him to select and organize the scientific staff of the Alaska Expedition in March 1899. The published results in fifteen volumes were edited by Merriam, who accompanied the expedition as secretary.

His intimate friends included many famous people. When in San Francisco he stayed at the home of Theodore H. Hittell, and in later years he made summer headquarters at Lagunitas.

These later years were devoted to a study of the Indians and in recording what was left of their old customs, especially in California. With Mrs. Harriman's support, he visited the tribes year after year, gathering stories and vocabularies, place names, the records of old village sites and tribal boundaries, and photographing the dances and costumes. A large part of these notes remains unpublished, and the manuscripts are now in the Smithsonian Institution.

Seldom have so many talents been combined in one person. He was without pretense, with boundless enthusiasm and vigor, and great personal charm. His critical faculties were highly developed, and his views and comments were always acute and wonderfully interesting.

Dr. Merriam married Virginia Elizabeth Gosnell, on October 15, 1886, in Washington, D. C. Mrs. Merriam died in 1937. Their two children are Dorothy, now Mrs. Henry D. Abbot, of Washington, D. C., and Zenaida, now Mrs. M. W. Talbot, of Berkeley. There are also four grandchildren: Beth and Henry M. Abbot, and Lee M. and Zenaida Talbot.

Charles L. Camp

Frederick Warren Williamson

1897-1942

Frederick Warren Williamson died at Los Angeles, California, on July 13, 1942, at the age of forty-four. He was born at Mound City, Illinois, on September 20, 1897, the son of Albert Warren and Alma Inez (Culp) Williamson. After graduating from the Cairo (Illinois) High School, he attended Stanford University, where he was a member of the Alpha Delta Phi fraternity and from which he received the degree of A.B. in 1919. He then attended the Law School of Harvard University, receiving the degree of Bachelor of Laws in 1922, and immediately thereafter came to Los Angeles and practiced law, specializing in corporation and business practice. At the time of his death he was the senior member of the law firm of Williamson, Hoge & Judson. He was also a member of the board of directors of Yosemite Park & Curry Company, Serrano Corporation, and Rancho Santa Anita, Inc.

Mr. Williamson was one of the organizers, a vice-president, and a director of the Friends of the Huntington Library, a trustee of the Friends of the Colleges at Claremont, a trustee of Pomona College, and also a trustee of the California Institute of Technology. He was a member of the Los Angeles County Bar Association, the California State Bar, the American Bar Association, the American Judicature Society, and the California, Southern California, and Virginia Historical societies. For many years Mr. Williamson was a member of the Grolier Club, of New York, and president and a member of the board of governors of the Zamorano Club, of Los Angeles. He also belonged to the California, Sunset, and Bohemian clubs.

To give merely the statistical record of the associations of a busy and successful lawyer leaves much to be said about the unique position Mr. Williamson held in the southern California communities. His interests primarily were of an intellectual character, and he was an unfailing source of strength to numerous academic institutions in this state. Whenever energy and resource were required to aid in furthering the objects of these institutions, Mr. Williamson invariably gave a real impetus. He had a lively interest in the collection of Californiana, but until recently his principal interest was in books of the Civil War period. This interest was heightened by visits to the battlefields of the war, so that he became an authority on the period. His friends will remember him always for his learning, his wit, his good taste, and his generous understanding.

In 1924 Mr. Williamson was married to Ruth Chandler, the daughter of Mr. and Mrs. Harry Chandler, of Los Angeles. Mrs. Williamson and four children—Warren Brooks, Chandler, Susan, and Norman Bruce—survive him.

Homer D. Crotty

With deep regret we report also the deaths of Mr. George Haviland Barron, of Redwood City, California, on June 24; Mr. F. P. Howard, of Ross, California, on April 5; and Judge Robert R. Syer, of San Jose, on September 2, 1942. Their obituaries are being prepared for publication in the Quarterly but were not ready in time to be included in this issue.

New Members

NAME	ADDRESS	PROPOSED BY
	Sustaining	
Grant, Mrs. Joseph D.	San Francisco	Mr. Walter A. Starr
	Active	
Bank of America	San Francisco	Mr. A. P. Giannini
Chinard, Prof. Gilbert	Princeton, N. J.	Mr. Anson S. Blake
Clark, Miss Alice E.	San Francisco	Mr. Charles P. Cutten
Cross, Ralph H., Jr.	San Francisco	Mr. Ralph H. Cross, Sr.
Dobbie, Miss Lucie E. N.	San Francisco	Miss Dorothy H. Huggins
Drury, Mrs. Wells	Berkeley, Calif.	Mr. Aubrey Drury
Giffen, Mrs. Guy J.	San Francisco	Miss Dorothy H. Huggins
Goethe, C. M.	Sacramento, Calif.	Mr. Aubrey Drury
Goldstein, Miss Lutie D.	San Francisco	Mrs. Angus Gordon Boggs
Hills, Edward E.	San Francisco	Mr. Warren R. Howell
Howard, B. F.	San Francisco	Mr. Allen L. Chickering
Howard, Mrs. F. P.	Dutch Flat, Calif.	Miss Dorothy H. Huggins
Hudner, Charles	San Francisco	Mr. Warren R. Howell
Menzies, Robert H.	San Francisco	Miss Helen Shafter
Miller, Dr. John J., Jr.	San Francisco	Dr. George D. Lyman
Nathan, M. C.	San Francisco	Mr. Warren R. Howell
Syer, Hon. Robert R.	San Jose	Mrs. Jerome A. Hart
Vinton, Stallo	Passaic, N. J.	Reinstated after resignation

Marginalia

At the meeting of the Board of Directors held on June 24, Mr. Allen L. Chickering was elected to fill the vacancy on the Board caused by the resignation of Ensign Warren R. Howell, who has gone east to attend the Naval Training School at Harvard University; Mr. Aubrey Drury was elected secretary, and George D. Lyman, M.D., treasurer. The vacancy on the Board resulting from the death of Mr. Robert E. Cowan was filled at the meeting of August 25 by the election of Mr. John D. Galloway.

Soon after the publication of the June QUARTERLY, the editorial staff was shocked to learn of the tragic death of William B. Rice, author of the article, "The Captivity of Olive Oatman," which appeared in that issue. While climbing the Grand Teton, on the night of June 19, Dr. Rice slipped while crossing a snowfield and fell to his death.

The paper on "The Territory of Nataqua" by William Newell Davis, Jr., was read at the Society's luncheon meeting on May 19. Mr. Davis taught in the Bieber High School in Lassen County from 1938 to 1940, and from 1941 to 1942 was a Native Sons of the Golden West fellow in Pacific Coast History at the University of California, where he received his Ph.D. in May. He is now in the 1st Weather Squadron, Army Air Forces, at Salinas, California.

Gilbert Chinard, LL.D., one of our new members, was born in France and received his education there. Since 1908 he has served on the faculties of the College of the City of New York, Brown University, University of Chicago, University of California, Columbia University, Johns Hopkins University, and is now at Princeton University.

Miss Lucie E. N. Dobbie is the granddaughter of Brigadier General Alexander Malcolm Dobbie, who arrived in California on the *George Washington* in August 1849 and settled in Tuolumne County, where he was for many years superintendent of the Tuolumne County Water Company. Her great great grandfather on the maternal side, Robinson Gardner Northup, also came to California in 1849 and settled in Tuolumne County. Miss Dobbie is associated with the University of California Press and is working for her Ph.D. in history at the University of California.

Ella Bishop Drury (Mrs. Wells Drury) came to Nevada by stage coach with her parents in 1863, at the age of three months. Her father, Dr. Simeon Bishop, and three uncles were already residents of Nevada and California. One uncle, Frederick Aubrey Bishop, came out in the 1840's with Kit Carson and later was on the mail route across the Sierra between Genoa, Nevada, and Placerville, California. Her husband, Wells Drury, was a pioneer editor, and she wrote the introduction to his book of reminiscences.

Helen S. Giffen, with her husband, Mr. Guy J. Giffen, has been carrying on research in California history for many years, and has written many articles for the *Quarterly* of the Historical Society of Southern California. She has also given illustrated talks before various historical groups on the missions and adobe houses, and with Arthur Woodward is co-author of *The Story of El Tejon*, soon to be published by the Fine Arts Press.

Mrs. F. P. Howard is continuing the membership of her husband, who died on April 5.

Charles Hudner is a descendant of Patrick Breen, who came to California in the Donner party.

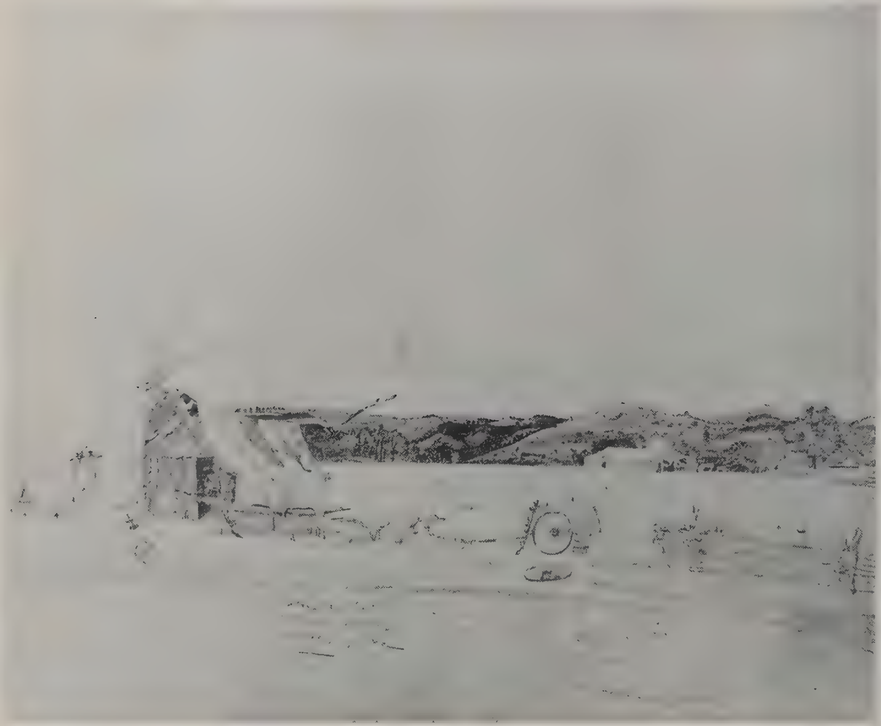
Mr. Robert H. Menzies entered the employment of Parrott & Co. fifty years ago and is now its head. His father, Thomas Menzies, arrived in California from Scotland in the early sixties and for several years was agent for the Bank of California at Virginia City, Nevada.

In case any member or friend of a member desires to make a bequest to the California Historical Society the following form may be used:

I hereby give and bequeath to California Historical Society, of San Francisco, the sum of $____________.

____

Signature



GREEN SPRINGS, APRIL 5, 1850

"About 50 miles east of Stockton, 12 west of Wood's diggings"

From a pencil sketch by John W. Audubon

in The Southwest Museum, Los Angeles

Audubon's Ill-Fated Western Journey

Recalled by the Diary of J. H. Bachman

By Jeanne Skinner Van Nostrand

TO SPECULATE on the reasons for the disasters that overtook John Woodhouse Audubon on his overland journey to California in 1849 has been a somewhat ghoulish pleasure. Until recently the only source for this questionable pastime was Audubon's own account of his journey, for no other record was known.[1] Now a diary kept by Jacob Henry Bachman, a member of Audubon's company, has been located which brings to mind and corroborates Audubon's narrative in all its tragic sequence.[2] Enlightening sidelights are thrown on both narratives by two or three emigrants who chanced to encounter the company en route. Additional interest arises from the little-known fact that thirty-four of Audubon's original sketches made during the journey overland and in California are in the Southwest Museum in Los Angeles.

Although it has become customary to picture the overland Argonauts of '49 as sturdy men marching forward with the coursing of empire written all over their faces, a dissection of the records of the Audubon company leads to the conclusion that many men who attempted the overland trek were physically, mentally, and financially unfit for the journey. A westbound company could survive in spite of a few weaklings—the strong would carry them forward, sometimes literally—but a company unfortunate enough to have recruited almost its entire number from inexperienced city dwellers, utterly ignorant of the meaning of an overland journey, was almost foreordained to failure. Without smirching those who were intelligent, brave, and persevering men in Audubon's company, the story of its struggle to reach California by the Rio Grande-Mexico route is revealed from the assembled records as one not only of unpredictable and unavoidable misfortune and tragedy but also one of poor personnel, mismanagement, and faulty judgment.

The company was organized in New York City during December of 1848 and January 1849. Interest in the gold discoveries in California was at its height, and more men applied for membership in the company than could be included.[3] The criterion for selection seems to have been friendship with one of the organizers. The New York newspapers, in reporting the personnel of the company, described the members as being highly educated, of fine appearance, good moral habits, and unblemished reputations, from the best families of New York. No man could predict how many of these fine fellows would give up and turn back at the first appearance of trouble. Previous frontier experience seems not to have worried the Messrs. Daniel C. and Ambrose Kingsland[4] and Cornelius Sutton who were advancing $27,000 for the company's expenses. They drew up rules of conduct, and such was the publicity given this company's preparations that it was known as far as New Orleans as "the organization which all in the States thought so much of."[5] Without regard for the climate or topography of northern Mexico, the company outfitted themselves in woolen uniforms, gaily trimmed with brass buttons,[6] adding glamour thereby to their fine appearance. One suspects each man of taking plenty of clothing, as the few who got as far as Sonora, Mexico, still had extra shirts to exchange there for a little parched corn.

In the choice of a leader, friendship again was responsible for the selection of Colonel Henry Livingston Webb, and for him the company was named "Colonel Webb's California Company." Colonel Webb had served in the Mexican War and having resigned from the U. S. Army was free to go west as military leader of the company.[7] His strongest qualification for the undertaking was likewise his weakest. He knew northern Mexico, but this caused him to choose to go from Brazos along the Rio Grande and through northern Mexico, the worst possible overland route. It had nothing to recommend it except the possibility of an early start in the spring.

More can be said in favor of the choice of John Woodhouse Audubon as second in command. At least he was a man of integrity, and he had lived outside city limits most of his thirty-four years. His main purpose, however, in joining his friends' company was not to assume the responsibilities of leading an overland company but to have an opportunity to collect and preserve specimens of the wild life that would be found along the way. For seventeen years he had served as his famous father's assistant in the compilation of the *Birds of America*. They had explored from Labrador to Louisiana, and in 1846 John had been in Texas collecting specimens. Father and son had often talked of a trip to the Pacific, and now the opportunity presented itself. Audubon signed the papers of agreement, naïvely thinking that his duties as commissar would leave him at least *half his time* for collecting specimens and making drawings of them.[8]

At last, after eight weeks of preparation, the ninety-eight men were ready. Victor, John's brother, had arranged for letters of introduction to United States military officers along the way.[9] Leaving New York on February 8, 1849, they went by steamer to Philadelphia and Baltimore, thence by rail to Cumberland. Fourteen stages were engaged to carry them from Cumberland to Pittsburgh, and for each man there was an excess baggage charge of two dollars each. The stages, heavily overloaded, slipped from side to side in the muddy roads, nearly capsizing, but if a thought of lightening the loads came to any man's mind it found no expression with either Bachman or Audubon.

Floods at Cairo, combined with snow squalls and inadequate river boat accommodations, gave Audubon his first premonition of trouble in the form of a "slight depression of spirits."[10] Nor were his spirits lifted any in New Orleans when three of the men found that city so entertaining that they had to be dismissed from the company. Additional supplies were purchased in New Orleans, bringing the amount of baggage to such proportions that two of the company had to remain behind in New Orleans to arrange for its shipment while the rest crossed to Brazos on the steamer *Globe*.[11] Colonel Webb, whose three horses had been part of the baggage down the Mississippi, bought several barrels of rice at Brazos, paying twice as much as in New Orleans. All this cargo had to be loaded and unloaded as the company progressed from steamer to steamer. They had planned to ascend the Rio Grande as far as Roma, but their vessel proved to have too deep a draught, and they were put ashore opposite Rio Grande (now called Riogrande) for their first real camp. It was necessary to roll the barrels and boxes through mud and sand in the heat of the day. Colonel Webb was the nominal head of the company, and Audubon must have been carrying out Colonel Webb's "brass hat" orders when he recorded the following method of pitching camp:

"We adhered closely to military style, and our straight line of tents did not vary; dry sand or wet mud had no effect on our position."[12]

But it may have affected their health, for about this time the cholera raised its cobra-like head to strike. Bachman recorded the next few days thus:

"Tuesday 13th [March 1849]. Landed and Encamped opposite Rio Grande City did guard duty until next morning

"Thursday 15th. John B. Lambert (a young lawyer from New Canaan, Con.) died of Cholera. [I] was one of the bearers (to R[io] G[rande] City)

"Friday 16th. Left the Camp with most of the Company on board the Tom McKinney

"Saturday 17th. A Mexican overtook the Boat—bringing a letter from the Camp informing us of the death of H. J. Boden, J. H. Bakewell, S. A. Liscomb & E. W. Whittlesey arrived opposite Romer [Roma] & encamped—had an attack of Cholera and remained on board the boat being unable to leave. J. W. Sherwood died, T. J. Hall jr died during the night."

The company's reaction to this devastating assault of the cholera among them was recorded by a passing California-bound emigrant, John E. Durivage:

"The most perfect panic seized the men and a number determined to return to the United States and abandon their expedition, and returned on the 'McKinney'."[13]

There were about twenty deserters in this group, giving Mr. Audubon a further revelation of the stamina of the company. In the midst of these troubles, $12,000 of the company's money was stolen. The accounts of how the money came to be left with the barkeeper of a hotel in Rio Grande City vary, but all agree in the essential details, i.e., that one of the men gave the money to the barkeeper in the evening, and the next morning, upon inquiring for it, was told it had been claimed by a member of the company. After long hours and many days spent in fruitless questioning of Mexican suspects, two-thirds of the money was recovered,[14] but the loss in time was almost equally disastrous as it was now late in March and the company no further on its way than Rio Grande City.

The party's movements are hard to follow during the next three weeks, but one thing is certain, they did not advance far nor in a body. They churned back and forth across the river; some were sick in the Rio Grande camp; others tried to escape the cholera by going to Roma; three men lagged behind bringing up the rest of the "plunder" from Brazos. One wonders if some of the "plunder" might not have been the articles mentioned by Durivage in the following paragraph. Certainly Durivage strongly suggests that Webb was guilty of crossing government palms with silver:

> Colonel Webb sprained his ankle in alighting from his horse a few days since, on his return from Cerralvo, and is now confined to his bed in the house in which I am now writing. The majority of his command are encamped a few miles from here, near the Sulphur Springs, and are in good health; but most of them, I understand, have determined to take the back track for New Orleans. I am a little afraid that the bearer of dispatches whom the company escorts will be "a little crumb" late in the day, and that his dispatches will become like bread of last week's bake—an atom stale. Were you aware that the company was furnished with brand-new Mississippi rifles and percussion-locked pistols from the United States arsenal at Baton Rouge, in order to arm the escort? Such is the fact. Well, the bearer of dispatches ought to be well protected, and it wouldn't be right to call upon a platoon of dragoons to perform the duty.[15]

Trouble was brewing with Webb. Audubon says (March 23): "Col. Webb with one of our doctors and four men went off to Mier, to get out of the sun, for with all his boast of, 'I live as my men live,' he said he 'should die in that sun'."[16]

The rains came and turned the camp into a morass. Since Colonel Webb was no longer on hand, they moved their tents to better ground, but for a while it looked as though the company would bog down beside the Rio Grande and never rise again. Bachman wrote:

"Thursday [March] 29th. All but 27 of the Company refusing to go on with Col Webb in the command. Mr. Audubon determined as the only resort to go home, of necessity I must do the Same—all of my mess voted to go on.

"Friday 30th. All packing up for home. Walked about a mile to Camp Ringold.[17] Last night stood guard over a mexican prisoner taken for stealing some of the Company's property. During the day and evening three more prisoners were brought in from the other side of the river from whom we obtained sundry articles of clothing, pistols &c which had been stolen from us.

"Saturday 31st All agreed to go under Mr. Audubon (or nearly all) to California, 'Stock on the rise.'

"Col Webb with some ten or twelve of the men still at Mier, determined to go through. Mr. Audubon has given him two thousand dollars of the funds for that purpose . . ."

Thus Colonel Webb passed out of Audubon's ken, and his "California Company"—what there was left of it—became Audubon's responsibility. He decided it was his duty to go through with it to California. From Mier, Audubon calculated the journey would require one hundred days, and he had $66.04 for each man. The $2,000 given Webb, for what reason no one knows, would have assisted materially.

How the company fared along the Rio Grande to Monterey, Mexico, is shown in the following extracts from Bachman's diary. It is interesting to note the late starts and short marches; the strayed mules and consequent searches; the broken wagons; the time lost in stop-over camps; and the inevitable passing of spring into summer.

"Thursday 19th [April]. Moved on as far as Guardado Ranche about 9 miles toward Mier.

"Friday 20th. quietly at the same place remained until the 24th

"Tuesday 24th. Traveled 7 miles and then encamped in consequence of our waggons breaking down

"Wednesday 25th. 9 Miles and encamped at Mier. Sold our waggons.

"Saturday 28th. The company left Mier. Myself and four others remaining, two of whom were about to return home in consequence of illness (Doubleday & Wilson)

"Sunday 29th. Went to mass accompanied by friend Emslie. Were the only two Americans in the church. Organist astonished us with Hail Columbia, played in *his* best style

"Monday 30th. Still in Mier at the house of Garcia—Marguirita Garcia. Sleeping in the cavy yard among hogs horses and fleas, in the afternoon Doubleday and Wilson returned home

"Tuesday May 1st. Carroll and Emsly—with one pack mule loaded with amunition started to overtake the Company, supposed to be some thirty to fifty miles ahead, and I am left alone in Mier to guard the property left behind. In the afternoon Marguirita's Grandmother died in the next room to me, great wailing, &c.

"Wednesday May 2d. In the evening Carroll returned with two Mexicans and three pack Mules, having sent Emsly with one Mule and his pack, on after the Company Share twelve miles ahead. . . .

"Thursday morning 3d. Sent the Mexicans on early with the intention of overtaking them at Canalles Run 15 miles where they would stop to graze and rest their animals—arrived there about twelve oclock but no Mexicans to be seen—Select a delightfull spot tie out our horses, spread our blankets and *dine*, that is drink a cup of pinola with water from the run take a cup of brandy mixed with d[itt]o. . . . in the cool of the afternoon continued on overtook the Muleteers with our packs and reached Puntaguda in the evening, thirty five miles from Mier. Puntaguda consists of some twenty or thirty adobie houses now in ruins, having been burnt during the war by the 2nd Ohio Volunteers

"Saturday 5th. Left Puntaguda arrived at Seralvo [Cerralvo] about noon passed Rancho Vechio and camped in chaporal.

"Sunday 6. Waited for the Company and travled with them to Papagyas [Popagallos]. left them in the evening taking with us Mr E. Lambert and Liscomb camped at Ramos

"Monday 7th. To San Francisco camping a little beyond the Ranch

"Tuesday 8th. Wake up and found my horse and Carroll's mule missing could not find them borrowed animals of the Muleteers and arrived in Monterey about noon 120 miles from Mier. Previous to entering Monterey rode through the old camp ground at Walnut Springs . . .

"Saturday 12th. Still in Monterey at the house of Don Antonio, where we first stopped. . . . heard that Hughes another one of those engaged in the robbery [of the company's money] had been shot by his companions

"Sunday 13th. Grand gala day. Had to remove our plunder to give room for Cock fighting which lasted until nearly night

"Thursday 17th. The Company left Walnut Springs, and passed through Monterey leaving us in our quarters. Carroll and a Mexican whom we had hired to assist in packing mules being without horses, we remained with them

"Friday 18th. Carroll and Lambert rode out for the purpose of buying two horses in the Afternoon Carroll & Liscomb rode down to see the Mexican we had hired and brought with them, he was ill . . . we were forced to leave him with his sister at Monterey . . . dying of cholera . . . proceeded about eighteen miles and stopd to feed and rest ourselves and horses—in the evening we entered Rinconada Vilage . . .

"Sunday 20th. In the morning left the Rancho through Pass Los Muertos, Santa Maria Mills [Molino de Jesus Maria]. Arived in Saltillo in the evening. . . ."

From Saltillo the company straggled on in separate messes, traveling much of the time at night to avoid the heat. It was now late in May and they were farther from the gold fields than emigrants who were leaving from Independence, Missouri. Their route was the long trail to the Gila River, over little-known paths through the mountains of Mexico. The Bachman diary continues:

"Sunday [June] 17th. Started at 9 O'Clock. Travled 21 Miles over a very hilly country to San Jose de Parral encamped too near the town and on bad ground

"Monday morning 18th. Moved about half a mile farther to most beautiful ground with fine shade trees where we remain for the purpose of refitting until Thursday 28th. last night went in town and sat up with Mr. Fuller who is very ill not expected to live and will remain some of the company remaining with him untill tomorrow

"Thursday 28. All saddle up and leave at 12 M. traveled over a plain, heavy rain all wet, wet blankets &c encamped in stubby Oak ground.

"Friday 29th. Again on the march at 8 A M those left behind came into line (Mr. Fuller having died as were leaving Paral) this day travled over lofty mountains, the scenery of which nearly repaid us for all our toil and trouble, when at the top of the Mountain three cheers were given for Mr. Audubon, three for the success of the company, and three for the glorious scenery camped in a beautiful Oak grove. plenty of grass, wood, and water

"Saturday 30th. Started 9 A.M. rain over mountains passed through Hauhotila [Huajatita] and encamped on a stony hill about a mile beyond rain in the night the last three days from Paral we made 60 miles

"Sunday July 1st. Off at 8½ A.M. Travled through beautiful Valley covered with verdure and beautiful flowers among which were the Lupins & Baladonia [belladonna] Lillie, &c &c and encamped near a small Ranch

"Monday July 2nd. Last off in the morning. after a short distance my horse was left behind dying with the blind staggers another horse soon after died with the same disorder. . . . encamped a short distance from St Cruz a small town of no importance.

. . . .

"Thursday 5th. On march, 9½ A M. first 2 or 3 Miles passed through a beautiful plain with fine tall grass, then over a very difficult Mountain where we had to dismount and walk. . . . made 24 miles and camped at Gabilana small Ranch . . .

"Friday 6th. Started at 11 travled through a level and more fertile country somewhat cultivated by Indians & Mexicans, passed through St. Rosa a smal[l] Ranch, & Borja [Santa Borgia], an old mission, and encamped on the oposite side of the rim, good water, little grass. Corn $6.00 cargo.

"Saturday 7th. Started 11¼ traveled 18 Miles over the same character of country as yesterday Stevens lost his mule party sent to search for it. camped in valey plenty of wood, grass & water

"Sunday 8th. A party with Audubon went again to look for the mule, but soon returned without it Camp alarmed last night by a party of five Indians attempting to stampede our Mules, attempt not successful, left camp at 11½ A M travled 12 Miles to Pitochi pased [blank] 3 miles and camped on the edge of a beautifull prarie near Ranch Huisochichi. Saw Elk, Deer, &c &c

"Monday 9th. Started at 9½ A M travled all day over the beautiful prarie, passing several small Ranches. 24 Miles this day and camped at a small Ranch, Cerroprieto [Cerro Prieto]. plenty of corn.

"Tuesday 10th. Started at 9½ A M Travled 15 Miles lost a mule with 12 kegs powder and encamped at a deserted Ranch.

"Wednesday 11th. Sent a party to our last camp ground to look for the lost Mule & cargo. Start at 10½ A M 20 Miles to Concepcion. Camped on the oposite side of the Rio San Antonio

"Thursday 12th. Remain in camp. Corn $3.00 Cargo sheep $2.25. In the evening the party sent out returned with the mule & cargo

"Friday 13th. Started at 1½ P M. After a few miles of table land commenced ascending the Mountains. Made about 12 Miles and camped on a small rim in the pine woods—good grass, wood & water

"Saturday 14th. Saddle up and start at 9 A M Continue our course along the rim for several miles and then break off over precipitous mountains, amid the wildest scenery immaginable. Made some 20 Miles, and encamped in a valley among the pines

"Sunday 15th. Started at 9 A M passed over some two or three difficult mountains and continued our course along a large stream (crossing it some 27 times) hemmed in by immense rocks rising hundreds of feet high and filled with caverns rivaling anything described in the Arabian Nights . . . We made this day some 15 miles and encamped at 3 P M in a beautiful grove of pines hemmed in by mountains and rocks, packe[d] every thing snug and secure started off to explore some of the caverns, passed through a number which had been ocupied. one some 8 feet by 15 or 18 had been closed up with masonry leaving just enough space to admit a man—During the day passed Receoche [Racuach] or something that sounded like it.

"Monday 16. Continued our journey at 10 A M along the Same stream 12 or 15 Miles & crossing it some 30 or 40 times amid scenery still more wild and majestick than that of yesterday—if possible encamped about 4 P M in a vally of pines

"Tuesday 17th. Started 11 A M travled through a more level and less interesting country some 15 miles and camped in a small flatt, little water & poor grass, found a fire burning supposed to [have been] from a party ahead

"Wednesday 18. Saddled up and off 10 A M this day had a very hard road the worst of all—made some 15 or 20 miles and entered Jesus Mary [Jesus Maria] the scenery for some two or three miles before entering the town is more grand than any we have yet passed the town formerly contained some ten or twelve thousand inhabitants principally miners—now it has fifteen hundred or two thousand—it is situated in a deep valley, so far down that you only see the sun a few hours each day. The buildings are of stone, roofed with clapboards, secured with wooden pegs We encamped on the only flat surface there is for miles around—that is in a cavy yard some fifty by eighty feet square—all huddled together horses, mules, baggage & Men, not excepting fleas remained in town untill

"Saturday 21st. Left 3½ P M and commenced climbing the tremenduous mountain (on the opposite side of the town) the most difficult we had yet ascended. So steep that mules and packs and occasionally a horse would come tumbling down the precipices, a hundred to two or three hundred feet, nearly perpendicular yet strange to say not one was killed outright though many were seriously injured I arriv[ed] at the top of the mountain alone, nearly, with a lot of mules, drove on, occasionally picking up a straggler untill night set in—encamped at a small ranch 7 or 8 miles occupied by a miner, upon counting found our party to consist of thirteen bipeds and thirty six quadrupeds—after a *very light* supper went to bed, without the remotest idea of the whereabouts of a single officer or the advance or rear parties

"Sunday 22nd. Started in the morning. after some two or three miles overtook Mr. Browning with a small party encamped on the top of a hill—waited some time untill we heard from the rest of the party in the rear—then on over a rough track, and encamped on the brow of a mountain surrounded on all sides by still higher ones Some 15 or 20 miles from Jesus Mary. remained quietly in camp shoeing horses & mules until

"Saturday 28th. Started about 12 M over a very rough and mountaneous path said to be the last of the *very* bad traveling . . ."

Unfortunately the prediction that the worst was over was not fulfilled. Heavy and constant rains swelled the streams, and the company was forced to wait until they could cross. The stony trails wore out the mules and horses, and although the company passed through numerous small ranches they were unable to buy or trade for new mounts. They were out of ham, flour, and bacon, but even at Trinidad, a live mining town, they could get only corn. Leaving Trinidad, Bachman and his mess lost the trail, and spent a miserable day riding down the bed of a small run. They straggled into Ures, the capital of Sonora, on August 22. During the week they spent there reorganizing and reconditioning themselves for the rest of the journey, several of the men went on a spree and landed in jail, Mr. Audubon having to pay for their release. At Altar they met Mexicans returning from California, and although it was now September and they were still in Mexico, their spirits rose at the tales of California gold. At a Papago village they hired a guide in exchange for a red shirt, a white shirt, a sheath knife, and five dollars. The guide stayed with them long enough to lead them through sparse grass to no water and then "vamosed."

"Saturday September 22nd. Off at 3 A M at 2 P M struck the valley of the Gila and a fair waggon road at 3 P M entered the Pimos village—all very friendly to the Americans camped in a vacant field near the village the Indians bringing us melons corn &c—made 30 miles

"Sunday 23d. Left the field and went about 5 Miles to good grass and water near the great Chihuahua road, camped near another party of Americans

"Monday 24th. Remained in camp buying Beans, Corn, Pinola, Melons &c from the Indians in exchange for shirts pants and whatever articles of clothing we had to spare

"Tuesday 25th. Wednesday 26th do.

"Thursday 27th. Bought a waggon Friday

"Saturday 29th. Got our waggon and packs over the bogs upon the road proceeded a mile or two and camped in three or four different parties

"Sunday 30th. Started at 8½ about 3 miles from camp the road leaves the low marshy ground and pases over a high stony plain made 25 miles and camped in the evening in the chaporal no water and nothing but musquite to feed our animals

"Monday 1 Oct. Off at 1½ A M crossed the ridge over a difficult pass and commenced a gradual decent. struck the table lands at daylight at 5 in the valley of the Gila stopped about ¼ mile from the river and got breakfast. 45 miles from the Pimos Village left again at 2 P M and camped among Ragweed near a pool of good water 6 or 8 miles.

"Tuesday 2nd. Overhauled the waggon this morning. took the body off and threw away part of the load to lighten it. Off at 10½ A M made 20 miles near Gila all day, camped on the bank of the river near a company of Texans. two or three days before the Indians killed one of their oxen and wounded several others At this camp ground an American was murdered by his companion. on the fifth of Sept the murderer was tried by the members of the three companies there at the time, condemned to death and shot. the two graves are about ten yards apart.

"Wednesday 3d. Left camp and our Texan friends at 11 A M. traveled along the vally passed a high hill of large rough stones, covered with hieroglyphics and crossed several small branches of the river to small islands and through the last to the main land on the same side we left. at the last crossing our waggon stuck in the river. we went on a mile and camped on high ground. Sent back men and mules and draged the poor unfortunate waggon out and into camp. made 15 or 20 miles.

"Thursday 4th. Left camp and our *waggon* at 10 A M At 1½ miles from [camp] struck the table land covered with rough black stone of a volcanic origin passed through a deep valley, evidently the crater of a volcano travled on the table land about 5 miles—took the valley again stopped an hour to graze camped on a sand bar near the river no grass. Made some 12 Miles

"Friday 5th. Left Camp 8 A M 3 miles to the river forded it and went 2 miles to good Grass and water on *American soil.* in the morning nine of our men went ahead of the train, continued on the main road and of course were divided from us.

"Saturday 6th. About 10 A M our runaways returned tired and hungry. Companies continue to arrive

"Sunday 7th. Muster in the morning—then went fishing and shooting with Fred Hewes caught nothing shot do. the company that left yesterday caught large quantities of fine fish including Salmon (with a Sein)

"Monday 8th. Saddle up and off at 9 A M—forded the river higher up than before. Made about 20 Miles over a very heavy sandy road. Encamped within a mile of the river from which we brought our water—little dry grass the nights for two or three weeks have been very cool so much so that an over coat and two blankets have been scarcely comfortable—days quite warm

"Tuesday 9th. Left camp at 9½ A M went to the river to water our animals. back again to the road—travled some 16 or 18 miles over a barren sandy and dusty country, camped on a little patch of dry grass about a mile and a half from the river—had to pack our water

"Wednesday 10th. Off at 10 A M travled 20 Miles over the same character of country and encamped on salt grass within a mile of the river.

"Thursday 11th. Off at 9½ A M followed the course of the Gila through the same barren country some 20 Miles camped on a sand bar in the river plenty of poor grass. Hudson missing—had lost the trail and passed our camp

"Friday 12th. Off at 9 A M still down the valley of the river. Same country (Hudson joined us during the day) about 20 miles and camped among the weeds and rushes on the river bank

"Saturday 13th. Started at 9 A M Still along the river passing many emigrants—made about 18 Miles. crossed a branch of the river and camped

"Sunday 14th. In camp gathering Musquite Beans and buying pumpkins and mellons of the Humas [Yuma] Indians.

"Monday 15th. Off at 12 M crossed back to the main road—and down the river about 2½ miles to the junction of the Colorado crossed over with part of the company and nearly all of the animals the men and baggage in two boats formed of waggon bodies. the animals swam over, camped on both banks of the river

"Tuesday 16th. Provisions *very* short in some of the messes[18] Mr. Audubon procured from the company of U. S. Dragoons[19] stationed here some 75 lbs of Pork, Rice & Flour, the greater part left camp and continued on 2½ miles to a small patch of cane, encamped and turned our animals in.

"Wednesday 17th. Just received news that Capt Thorne U.S.A.,[20] one of his men and two Mexicans were drowned in crossing the Colorado. dealing out rations to the messes travled about 12 miles over a deep dusty road and camped on the river, very little grass.

"Thursday 18th. Off at 8¼ A M fairly entered what is called the desert. road deep dust and occasionally sand, part of the time through a musquite grove fed our animals on a few of the beans in the afternoon camped at one of the grand camp grounds of the desert. no food for man or beast, very little and bad water in two holes dug in the ground, called wells. 15 miles

"Friday 19th. Left camp about 2 Oclock in the morning and travled on—was left behind by the company my mule & horse being nearly done up—With great difficulty got them in camp at New River about 8 Oclock in the evening four or five hours after the company. Made 35 miles.

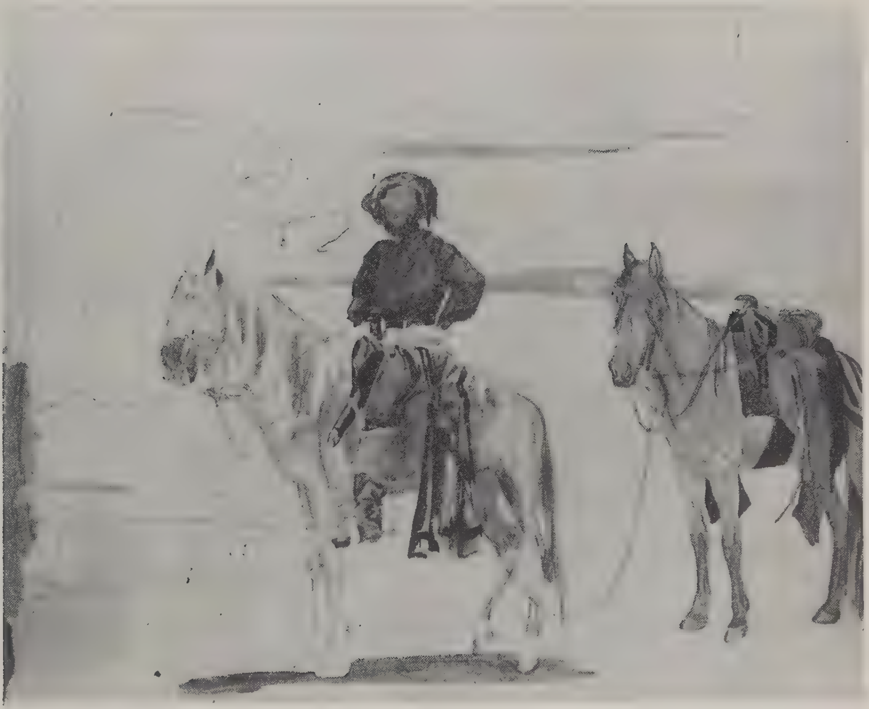
"Saturday 20th. Remained in camp cutting grass &c

"Sunday 21st. Some of the company started on about 12 or 1 in the morning. I left with my mess No. 2—about 9 or 10 in the morning walked nearly the whole distance in my stockings over a high sandy road to the lake some 15 Miles arrived at 3 or 4 o'clock found that some of our men had killed a beef, plenty of ducks in the lake but no means of getting them after they were shot. tied up my animals but in the evening found they had broken away and vamosed.

"Monday 22nd. The company left at 2 or 3 Oclock in the morning, myself and Walsh remaining behind to hunt up the animals, missing about 10 or 11 oclock Simson and Boggs came up with us and assisted in the search in the evening moved our camp about a mile above the lake where we found some grass

"Tuesday 23d Toward evening some Indians came in with my horse and mule gave them a dollar and a Shirt for their trouble commenced our onward march at 5½ P M the first part over a good road the latter through heavy sand where we walked I draging my horse and mule after me Boggs and Walsh some distance ahead, we found encamped. Simson and myself continued on in the hope of finding water, which we did at daylight. in the morning, arrived at a small run, Cariso creek where we found part of Col. Colyer's company encamped. Mr. Curtis and some of his mess were kind enough to make us a couple of cups of coffee and give us some bread & bacon (we had no provisions whatever except a few pieces of crackers). Made 28 miles.

"Wednesday 24th Near evening left camp at Cariso Creek soon after leaving which my mule would scarcely go ahead Simson Boggs & Walsh went on at my request I trudged on after with both lariats over my shoulder but soon lost sight of my companions—unpacked my mule and gave him some Musquite Beans and let him rest awhile then draged him along a short distance farther, could find nothing of my companions or water about 1 in the morning encamped alone in the midst of the desert of sand ate my pieces of crackers smoked my pipe and turned in without fear of Indians or wolves.



A FORTY-NINER

From a water color sketch by John W. Audubon
in The Southwest Museum, Los Angeles

Slept soundly until near sunrise. up and commenced packing, carelessly took up my gun and fired among some Palm trees near, when I was agreeably surprised to find that I had woke my companions who were encamped on a small rise of ground a few hundred yards from me. during the morning Simson and Boggs killed a Bullock. So we are in no danger of starving at present

"Thursday 25th Left camp at the Sulphur Springs at 10 oClock, Simson putting my packs on one of his mules during the day was obliged to leave my little white mule, Jack (whome I had packed from Meir) behind completely given out. Toward evening arrived at a small Indian ranch, tolerable grass and water 15 miles from the creek

"Friday 26th In the morning true to his instinct my little Jack came into camp looking most horribly. left camp in the afternoon and went on some 7 miles. crossed a mountain and encamped in deep valey good water and a little grass found mess No. 4 encamped there got some beef which they had killed.

"Saturday 27th. Left camp in the morning and reached San Filip in the afternoon found mess No. 6 wating for us. Made some 14 miles a day or two before this Walsh vamosed carrying with him our corn the coffee pot our only cooking utensil and the coffee. remained in camp until Sunday afternoon.

"Sunday 28th. In the morning No. 6 left camp taking the road across the mountains to San Isabel. In the afternoon Simson Boggs and myself left taking the same rout merely a mule track in some places very bad during the night little Jack kicked up his heels at his driver and vamosed we heard nothing more of him about 12 or 1 Oclock as I was leading the way took a wrong trail and went straight to a small ranch got a Supper of Friolas and acorns remained an hour or so and went on some miles farther camped on the side of a hill near a small stream

"Monday 29th. Up early got our breakfast and in a short time reached San[ta] Isabel, some 20 Miles– purchased Some grapes a little Pinola & Flour– went on our course until the afternoon and encamped under a large tree ½ mile on the right of the road good grass and water

"Tuesday 30th. Off early and reached Santa Maria a single miserable mexican house and cavy yard– bought some beef and camped ½ a mile to the right Made 18 miles

"Wednesday 31st. Left camp about 9 or 10 A M over a pretty good road to San Monica or Don Miguel's Ranch[21] where we arrived after dark 15 Miles–got some sugar and pinola at the ranch the first sugar we have had for months

"Thursday Novr. 1st. Left camp and traveled over the hills some 16 Miles reached the camp and company about a mile beyond the old mission of San Diego

"Friday 2nd. In camp. Mess No. 4 arrived

"Saturday 3d. In camp. packed up some of my clothes and sent them down to the port to be forwarded to San Francisco by water. Company procured Pork, Flour and Biscuit from U S Comisary."

Audubon speaks of the troubles he had with his men and describes the company's forlorn condition upon reaching San Diego in a letter written from there to his mother:

> My Journal and Sketches I will send you from San Francisco, and they will tell more than I could describe in twice the time. about half of us are on foot and the other half not much better off. Some have no shoes but what they can sew from the saddle skirts, we have not only $400 to provide for *630* miles to St francisco for *40* men but we are all able and willing with the assistance of the rations from the Officers,—At Jesus Maria I had my first trouble after the Riogrande with the men for disobedience, I called on the company to sanction or not the expulsion of the men who refused duty, and *did* not get it, by two or three, I then turned to the rest of the company who had voted with me and told them to follow me, I would not be the servant without also being the Captain. To have seen the blank look of those left behind (among them young Bachman) would have made a bystander laugh. I gave orders to *my party* to pack up and they commenced as usual, soon they sent a spokesman *Osgood!* and Lambert to know what they were to do. "Anything you please." They then had a meeting, and came again to me, to make a compromise, I told them *none whatever*. They reconsidered and again moved on.[22]

A letter written by Victor Audubon to Mrs. John Bachman, December 15, 1849, confirms John's letter:

> My Mother has written . . . giving some news of John and his party who seem to have had a little difficulty among themselves, which however was soon adjusted—John seems in good spirits, and I trust all who are with him will be well recompensed for the trials and hardships they have undergone so bravely—By next steamer I hope to have Johns Journal & Sketches, which I will probably send on to you to read. John especially desires me to send his love *to you all*, and says he had not time to write to you but would do so from San Francisco. He had obtained 3 new birds but no new Quadrupeds, he will however be able to get information about many of them . . .[23]

Fortunately, this first package of journals and sketches reached New York intact. Another portfolio, said to have contained some two hundred drawings made in California by Audubon while on this trip, was left behind when Audubon returned east in 1850. This was entrusted to Robert Simson, one of the members of the California Company, in San Francisco, and later was delivered to John Stevens, another member of the company, to be taken by him to New York. The drawings never reached their destination, for both Stevens and the portfolio were lost when the *Central America* went down in a storm off Cape Hatteras, on September 12, 1857. The thirty-four unfinished pencil sketches now in the Southwest Museum in Los Angeles therefore are the only remaining pictorial record of Audubon's journey.[24]

NOTES

1. J[ohn] W[oodhouse] Audubon, *Illustrated Notes of an Expedition through Mexico and California* (New-York: J. W. Audubon, 1852); reprinted in *The Magazine of History*, Extra Number 41 (Tarrytown, New York: William Abbatt, 1915); John W. Audubon, *Audubon's Western Journal: 1849-1850 Being the MS. Record of a Trip from*

New York to Texas, and an Overland Journey through Mexico and Arizona to the Gold-Fields of California (Cleveland: The Arthur H. Clark Company, 1906).

2. The Diary fills two small leather-covered notebooks, now in the possession of Hon. J. A. Smith of San Andreas, who has kindly given permission for its publication. The second installment of the Diary will appear in this QUARTERLY, March 1943.

3. An undated letter from Victor Audubon to John Bachman of Charleston, South Carolina, reads: "My brother will leave us in a few days for California, he will be absent, perhaps, for 18 months. This journey is undertaken with the hope that he may be able to get gold. What may be the result, God only knows. John will be accompanied by Col. H. L. Webb, as military leader; the party consists of about eighty picked men. One of Dr. Mayer's sons wished to go with John, but unluckily, his application came after the party was made up, so they could not take him . . ." C. L. Bachman, *John Bachman, the Pastor of St. John's Lutheran Church, Charleston* (Charleston, S. C., 1888), p. 274.

4. Ambrose C. Kingsland was a wealthy grocer of New York and mayor of New York in 1851. Stockton *Record*, July 9, 1932, article by Mrs. P. C. Hunt.

5. John E. Durivage, "Through Mexico to California, Letters and Journal of John E. Durivage," in *Southern Trails to California in 1849*, edited by Ralph P. Bieber (Glendale, California: The Arthur H. Clark Company, 1937), p. 168.

6. Reminiscences of Nicholas Walsh, MS notes by his granddaughter, Mrs. Robert Mann, of Stockton, California.

7. Francis Bernard Heitman, *Historical Register and Dictionary of the United States Army . . .* (Washington: Government Printing Office, 1903), II, 1011.

8. *Magazine of History*, Extra Number 41, p. 8.

9. Letter from Victor Audubon to John Bachman: "I am just about to start for Washington, to get letters from the President for John . . . I am in a great bustle, the office is full of Californians." C. L. Bachman, *op. cit.*, p. 275.

10. *Audubon's Western Journal*, p. 47.

11. Samuel McNeil, bound for California in a company of twenty men, was also aboard the *Globe*. He described Colonel Webb's company of nearly a hundred men as "fine looking intelligent gentlemen, well calculated to be successful in such an expedition," although they were certainly not taking McNeil's advice to overland travelers: "Let each person have only 2 good flannel shirts, and the suit of clothes he usually wears, the gold he intends spending in a belt fastened around his body;—1 good six-shooter Colt pistol—good butcher knife instead of a bowie knife, as with the former one can eat, but not with the latter—a good rifle. These are all the necessary articles he should have." Samuel McNeil, *McNeil's Travels in 1849, to, through and from the Gold Regions, in California* (Columbus, 1850), pp. 8, 29.

12. Audubon, *op. cit.*, p. 56.

13. Durivage, *op. cit.*, p. 168.

14. Bachman's entry for March 26: "Heard that $4,000 more of the money lost had been recovered, $4,500 having been previously recovered."

15. Durivage [*ca.* March 24, 1849], *op. cit.*, p. 169.

16. Audubon, *op. cit.*, pp. 76-77.

17. Camp Ringgold was an American military post below Riogrande.

18. Cornelius C. Cox, who was at the crossing of the Colorado when the Audubon party came through, recorded in his Diary: "Col. Collier, the newly appointed collector at the port of San Francisco with his *escort* of *Dragoons*—& Mr. Auderbon, the *Naturalist*, with a company from New York came up and crossed while we were at this place—Here was the first instance of distress that I had seen on the road—Many of these men had not a days provisions on hand—and some were entirely destitute—Our company afforded them all the relief in our power." "From Texas to California in 1849: Diary of

C. C. Cox," edited by Mabelle Eppard Martin, in *Southwestern Historical Quarterly*, XXIX (January 1926), 204-5. See also Grant Foreman, *The Adventures of James Collier, First Collector of the Port of San Francisco* (Chicago: Black Cat Press, 1937), pp. 24-27.

"Arrived Colonel Collyer, collector of the port of San Francisco, escorted by Captain Thorne with thirty dragoons. Under their protection is also a party of emigrants, commanded by Mr. Audubon, the younger, naturalist; Lieutenant Browning of the navy; Mr. Langdon Haven, and a son of Commodore Sloat, were with this party, which was suffering for the want of provisions." Audubon, *op. cit.*, pp. 164-65, Note, quoting Amiel W. Whipple, lieutenant of topographical engineers.

19. Lieutenant Couts, stationed at the crossing, expresses considerable annoyance over the time spent on emigrants with their constant demand for supplies: "Wednesday, Oct. 24th. Since the 12th I have been the guest of Col. Collier's escort, and followers, emigrants, etc., and have not been able to write or do anything else. The former, thank God, are all gone at last, the latter, bless the Lord, continue rolling in." Cave J. Couts, *From San Diego to the Colorado in 1849, the Journal and Maps of Cave J. Couts*, edited by William McPherson (Los Angeles: Arthur M. Ellis, 1932), p. 45.

20. Herman Thorn, soldier in the Mexican War, distinguished himself in the battles of Churubusco and Molino del Rey, and was made captain. Audubon, *op. cit.*, p. 161, note.

21. "El Cajon Rancho . . . in early times also known as Santa Monica, was the third largest grant made within the present limits of San Diego County. The grant was received in 1845 by Dona Maria Antonia, wife of Miguel de Pedrorena." R. W. Brackett, *A History of the Ranchos of San Diego County*, San Diego: Union Title Insurance and Trust Company, 1939, p. 64.

22. Letter written by Lucy Audubon to Mrs. John Bachman, quoting a letter from John Woodhouse Audubon.

23. Letter written by Victor Audubon to Mrs. John Bachman, December 15, 1849, both letters in the Charleston Museum, Charleston, South Carolina.

24. The sketches made on the overland trip are listed below, with the artist's notes:

"Two Days West of Santa Cruz," July 4, 1849. "A most fairy scene."

"Table Land Between Cordilleras." July 9, 1849.

"Night Watch, (John Stevens)." July 11, 1849. "Concepcion, Western Mexico . . ."

"Hut Under Rocks, ½ Miles from Jesus Maria." July 19, 1849.

"Jesus Maria." July 20, 1849. "Said to be the last great ascent to be made on the westward journey."

"Twenty Miles West of Jesus Maria." July 24, 1849.

"Twenty Five Miles from Jesus Maria." July 29, 1849.

"Cactus." Sept. 12, 1849. "n.w. of Altar. I saw this cactus for about five days . . . say 125 miles. they are of all shapes & forms."

"On the Great Desert." October 21, 1849. "15 miles w. New River. about 79 miles w. of Mouth of Colorado, border of a little lake."

"Zequina (Diegueno?) Indians." October 23, 1849. "hut of willows & half dried grass."

APPENDIX

Members of the California Company

No complete and accurate list of the men who started west with Audubon can be compiled, as the lists of members in Audubon's *Western Journal*, in Bachman's Diary, and in contemporary newspaper accounts, vary. The company is thought to have numbered about a hundred men from New York and Philadelphia, but names of men who joined in New Orleans may have been included in the lists mentioned. The twenty who deserted in the Rio Grande country are not all named by Audubon. (*Western Journal*,

p. 70.) The names listed below are those that appear in Audubon's *Western Journal* and Bachman's Diary. Names marked with a † are those known to have left the company before it reached California; those marked with an * are those known to have arrived in California. Abbreviations used for sources are given at the end.

**Audubon, John Woodhouse*, youngest son of John James Audubon, the naturalist, was born in Louisville, Kentucky, November 30, 1812, and as a small boy lived in New Orleans. (A, pp. 77, 240, 242.) During his entire boyhood his father insisted that both he and the older son, Victor, study drawing in order that they might become proficient enough to serve as his assistants in his great work on the birds of America. (C, I, 6.) They made many trips together—one of them to Labrador in 1833. (A, p. 418.) There was an interval of study in Europe (C, II, 105), and a trip to Texas. In 1836 John and his father contemplated a trip to the Far West, perhaps even to the Pacific Coast. This did not materialize (A, p. 429), but the interest remained until 1849 when he went as second in command of the California Company. Upon his return to New York his father's failing health forced him to take over the publication of Volume Two of the *Quadrupeds of America*, which was brought out in 1851. In 1852 he published a small folio edition of his *Illustrated Notes of an Expedition through Mexico to California*. This was to have been the first number of a series but no others appeared. He continued working on his father's publications and attending to the family's finances. He was an associate member of the National Academy of Design in New York, and one or two of his paintings are in the permanent collection of that institution. (CU.) He died on February 21, 1862, at his residence in Audubon Park (the present location of 155th Street and Riverside Drive, New York City), and was buried in Trinity Church cemetery with his brother and father. (MRA, p. 443.)

**Ayres, Venancio* (or *Venancia*)

**Bachman, Jacob Henry*, of New York. Probably related to Maria Rebecca Audubon, John Woodhouse Audubon's first wife. After coming overland with Audubon he remained the rest of his life mining and farming in Calaveras County, where he died about June 4, 1879. (CALA.) A more detailed statement regarding him will preface the second installment of his Diary, to be published in this QUARTERLY, March 1943.

†*Bakewell, J. H.* (or *Howard*), one of Audubon's cousins. It is not clear whether this is the Howard Bakewell who died en route (BD, Mar. 17, 1849) or whether there were two men named Bakewell in the company.

†*Barclay* (or *Barkley*), *William B*., left the company at the Rio Grande. (WJ, p. 70.)

Barratt (or *Barrat*, or *Barritt*), referred to as a waggoner of the Mexican War. (WJ, p. 119.) A member of Mess No. 12 (IN, p. 79, and WJ, p. 119.)

†*Benson, Leffert S.* (or *Leffert L.*), left the company at the Rio Grande. (WJ, p. 70.)

†*Benson, Robert J*., left the company at the Rio Grande. (WJ, p. 70.)

**Black, John Alexander*, from Pennsylvania; living as a farmer at Copperopolis, Calaveras County, in 1867. (GR.)

**Bloomfield, John J.*

†*Boden, Hamilton J*., died at the Rio Grande camp. (BD, Mar. 17, 1849.)

**Boggs, Biddle*. A "B. E. Boggs" voted in Stockton in 1852. (SJ, p. 28.) In 1859 Biddle Boggs was one of the claimants for the mineral rights of John Charles Frémont's Mariposa grant (F, II, 1-32), but lost the suit. (D, p. 466.)

†*Brady, Henry* and *John*, left the company at the Rio Grande. (WJ, p. 70.)

Brown, left the company at Ures, to go on with another company via Mazatlan. (WJ, p. 142.)

**Browning, Robert L*., U.S.N. His naval record is to be found in Callahan, Edward W., *List of Officers of the Navy of the United States* . . . New York: Hamersley, 1901. He was drowned while on a survey of Trinidad Bay with Lieut. Richard Bache, on March 27, 1850. (WJ, p. 228.)

Cararley, John P. (or *Caverly*)

**Carrol, Frank,* of Baltimore (IN, p. 82), was living in Albuquerque, New Mexico, in December 1883. (Letter from Carrol to John H. Tone.)

**Clement* (or *Clements*), *James B.*, of New York, an employee of Audubon (WJ, p. 29), and his sole companion on an earlier trip to Texas. Clement remained in Stockton and became a successful fruit grower. (WJ, p. 33.)

†*Combs* (or *Coombs*), *Frederick S.*, died en route to California. (BD, Mar. 23, 1849.)

†*Cowden, Henry,* left the company at the Rio Grande. (WJ, p. 70.)

Coyle, Peter

**Cree, William J.*

**Damon, Luke*

Davis, Girardus P. (or *Girardus T.*)

Delancy, John

Doubleday, Ulysses, of New York. Served with distinction in the Civil War. (H, I, 380.)

Ely, Justin, Jr., left the company at the Rio Grande. (WJ, p. 70.)

**Emslie, James J.*, born in Aberdeen, Scotland, July 19, 1819; came to America in 1839 and lived in New York City until 1849 when he came west with Audubon. For a short time he mined in Shasta County. In February 1851 he returned to New York for a two-year stay and then returned to California, settling in San Francisco, where his wife joined him in 1855. In 1860 he and his family moved to a ranch in Liberty Township, San Joaquin County, thirteen miles from his old friend, John H. Tone. In 1873 he laid the bricks for the Tone residence, which is still standing. Emslie died on September 2, 1894. (Information from biographical records at the California State Library; from Mr. John N. Tone; and Leigh H. Irvine, *A History of the New California* (New York, 1905), II, 954.)

Fleming, Charles

†*Follen, Augustus,* left the company at the Rio Grande. (WJ, p. 70.)

†*Fuller,* died near Parral. (BD, June 1849.)

†*Graham, A. Clason* and *A. Spencer,* left the company at the Rio Grande. (BD, Mar. 18, 1849.)

Graham, Montrose Charles, of a wealthy New York family. (Letter of Robert Simson to John H. Tone, 1878.) He was accidentally wounded and left behind at Saltillo. (WJ, p. 92.) It is not known whether or not Graham recovered from his wound and came on to California with the company. Many years later a woman claiming to be his widow and the mother of his son, came forward to claim his estate. Her charges were repudiated by Robert Simson, San Francisco lawyer, who had been a member of the company. Graham had told Simson that he came west to avoid an unpleasant situation at home. (Letter of Robert Simson to John H. Tone, 1878.) Heitman's *Register* (H), attributes a brilliant Civil War career to Charles Montrose Graham.

Grant

†*Hall, Thomas J., Jr.* (or *Thomas H., Jr.*), died at the Rio Grande. (BD, Mar. 16, 1849.)

†*Harrison, W. A.* (or *W. H.*), died near Mier. (BD, Mar. 21, 1849.)

**Haven* (or *Havens*), *Langdon A.*, came to California with the company but returned later to his home at Fort Washington. (WJ, pp. 33-34.)

**Hewes* (or *Hews*), *Frederick,* of New Orleans; one of Bachman's Mess No. 2. (IN, p. 82.)

**Hinckley* (or *Hinkly*), *Lyman F.*, a carpenter, living in San Francisco in 1852. (SF.)

**Hudson, David,* after an interval of mining, went into partnership with John Stevens, John H. Tone, and one of the Valentines, first as freighters into the mines and then as farmers. Hudson sold out to the others and settled in San Francisco as a produce merchant. There he lived during the fifties and sixties, obtaining a tract of land near the old Bay View Race Course. (SF and Reminiscences of John N. Tone.) Hudson's name does not appear in the San Francisco Directories after the early seventies.

**Hutchinson, William A.*, a voter in Mokelumne Hill, 1867. (GR.)

**Kashaw* (or *Kashon*), *Israel*, became a grocer in San Francisco. (SF.)

†*Kearny, Dr. John*, died at Fort Ringgold. (BD, Mar. 21, 1849.)

**Lambert, Edward A.*

†*Lambert, John Booth*, died at the Rio Grande camp. He was a young lawyer from New Canaan, Connecticut. His nephew and brother were also in the company. (BD, Mar. 15, 1849.)

**Lambert, John Robert* and *John S.*, also *Joseph (S?)*

**Layton, Robert*, one of Mess No. 2. (IN, p. 82.) Bachman found him working in San Francisco tearing down an old building, assisted by Hewes and Havens. (BD, Nov. 24, 1849.)

**Lee, Augustus S.* (or *T.* or *F.*) One of Bachman's partners in mining; the partnership was dissolved when Lee left the mines February 9, 1851. (BD, Feb. 9, 1851.)

†*Lipscomb, Samuel A.* (or *H.*), died at the Rio Grande camp. (BD, Mar. 17, 1849.)

**Lipscomb, William A.* (or *H.*)

**McCusker* (or *McKusker*), *Peter*. By 1851 he had returned to New York City and accepted a position on the police force. (Letter from Theodore F. Tone to John H. Tone, Mar. 4, 1851.)

**McGown, Andrew J.*

**Mahoney, Dennis* (or *Denis*), born July 30, 1816, at Mitchelstown, County Cork, Ireland. Came to America in 1838. After a brief stay in the mines he returned to San Francisco and engaged in the livestock business, later acquiring valuable real estate. (D.A.R. of Calif., *Collection*, IV, 1936, 287.) The statement was found that he first arrived in San Francisco on August 16, 1849, on the brig *Copiapo*, which would indicate that somewhere along the line he quit Audubon's company and came by some quicker route.

**Mallory, Henry C.*, entered business in San Francisco and lived there until his death. (WJ, p. 33.) He is listed as a ship chandler there. (SF.) Victor Audubon, John's brother, married Miss Georgiana Mallory, of New York. (BB, p. 256.)

Maybury

**Mitchell, James* (or *William*), of Illinois. (IN, p. 81.) A James Mitchell was living at Chili Junction, Calaveras County, in 1867. (GR.)

**Mix, A. A.* Although Bachman says Mix was expelled from the company (BD, Sept. 23, 1849), he evidently came on to California, for in April 1850 he was elected county recorder of San Joaquin County. (SJ, p. 25.)

Molinear (or *Molenaor*), *William D.*, of Harlem, New York. Reported as having died at his home, of consumption, in August 1851. (Letter of Theodore F. Tone to John H. Tone, August 10, 1851.) Referred to as "Doctor" by Robert Simson in a letter to John H. Tone, in 1878. Molinear was Montrose Graham's cousin. (WJ, p. 92.)

Nevin, Andrew N. (or *M.*)

**Osgood, Edward W.* Although the *Western Journal* states that Osgood left the company at Ures (WJ, p. 142) to go on with another company by way of Mazatlan, Audubon's letter home (see letter printed in this QUARTERLY) indicates that Osgood changed his mind and continued in Audubon's company.

**Pennypacker*, of Pennsylvania; wagon master during a two-year campaign in Mexico. (IN, p. 79.) Robert Simson saw him in San Francisco in 1878. (Letter of Robert Simson to John H. Tone, April 8, 1878.)

**Perry, Dr.* Remained in San Francisco while the others went to the mines. (WJ, p. 195.)

Plumb, John H. Left Audubon's company at Ures to continue with another by way of Mazatlan. (WJ, p. 192.)

Powell, Emmet (or *Emmett*)

Rennie, William

Rhoades, a member of Mess No. 12, said to have crossed the plains from Fort Independence to Santa Fe eleven times. (WJ, p. 119.)

†*Rodgers, John Kearny* (or *Kearney*), *Jr.* Illness caused him to leave the company. (WJ, p. 72.)

†*Sherwood, James W.*, died near the Rio Grande. (BD, Mar. 17, 1849.)

Sherwood, Richard W.

Shipman, Aaron T. Reported as very ill (WJ, p. 70), but the result is not stated.

**Simson, Robert.* After a short interval in the mines he started practicing law in San Francisco, where he lived for some years before moving to Alameda. He died about 1900, leaving his widow and one son. (WJ, p. 33.)

**Sloat, Lewis Warrington*, born November 26, 1815; his father was Rear-Admiral John D. Sloat, for whom he served as private secretary while he was on the Pacific station. (SH, pp. 20-21.) He became a commissioner and notary public in San Francisco (SF) and was one of the eight men who founded the California Academy of Sciences (CA, p. 26.) He died in New York City, November 15, 1878. (SH, p. 20.)

**Snyder, Joseph*

**Steele* (or *Steel*), *George C.* (or *D.*)

**Stevens, John*, was in partnership with David Hudson, John H. Tone, and Valentine, farming on land bordering the present Jack Tone Road near the crossing of the old bed of the Calaveras River. After Mr. Tone withdrew from the partnership Valentine and Stephens planted orchards and vineyards, the first to be grown commercially in the valley. Stephens was in charge of Audubon's California interests, namely some mules and the portfolio of sketches, and kept up a correspondence with Audubon. (Letters of Theodore F. Tone to John H. Tone, 1851, and reminiscences of John N. Tone.) In 1856 Stephens started home, taking the portfolio of sketches with him, but was lost when the *Central America* went down in a storm off Cape Hatteras. (WJ, p. 33.)

**Stevenson, Joseph*, a blacksmith. (WJ, p. 128.)

Stille, Henry

Stivers, Daniel A. and *William D.*

†*Tallman, Harman* (or *Harmon*), left the company at the Rio Grande. (WJ, p. 70.)

†*Teller*, died at Parral. (WJ, p. 106.)

**Tone, John Henley*, born March 19, 1826, at Manhattanville (now part of New York City). His manuscript statement of 1888, in the Bancroft Library, Berkeley, reads as follows: "Came from New York to California in '49 overland via New Orleans and Mexico—was 10 months enroute had some sickness and lost 16 companions by cholera—we touched at Yuma & San Diego and along by Tulare Lake to Chinese Camp when I first prospected for gold and had usual success of miners—then in about a month we went to Murphy's Camp when I made good wages and one day was luckey enough to take out $104.00 in our pans—was engaged about 8 months in all in mining.

"In fall of '50 I concluded to give up mining so came direct to the place where I am now living and squatted on the land and the first year put in a crop of potatoes and barley the former crop was a failure . . . Since I came to this place I have been engaged in farming and stock raising and have purchased my land from time to time.

"Have been Trustee of Moore School for several years.

"In coming to California I had no means and have made my money by hard labor and good management."

The first dwelling on the land was a one story adobe, and the four partners were known as the "Dobie boys." A brick house, still standing, was built in 1873. In 1855 Tone married Alice Walsh, the daughter of Nicholas J. Walsh, also of the California Company. (Information from John N. Tone.)

**Trask, John Boardman, M.D.*, born at Roxbury, Massachusetts, about 1824. (San Francisco *Alta*, July 5, 1879.) Audubon called him a "philosopher . . . but most eccentric in his ways." (IN, p. 80.) He studied medicine at Yale, although geology was his greatest interest. (W, p. 112.) He may be considered California's first unofficial geologist, and first state surveyor, for the legislature of 1853 appropriated $2000 to pay Dr. Trask for his work on a geological report and to enable him to continue his researches, and again in 1855 appropriated $5000 for him to complete a survey of the 35th parallel. (Hubert Howe Bancroft, *History of California* (San Francisco, 1890, VII, 636).) Henry V. Huntley, in his *California: Its Gold and Its Inhabitants* (London, 1856), I, 47, speaks of meeting him in Sacramento and comments on Dr. Trask's mineral collection. Trask was responsible for two maps: "Map of the State of California," and "Topographical Map of the Mineral Districts of California, Being the First Map Ever Published from Actual Survey," both published in San Francisco by Britton and Rey, in 1853. The latter map is interesting in connection with the "California Company," as it shows where several members of the company settled. Dr. Trask was one of the founders of the California Academy of Sciences (W, p. 112) and contributed to the early volumes of the Academy's *Proceedings*. For a list of articles written by Dr. Trask, see Lewis E. Aubury, *A Bibliography Relating to the Geology . . . of California* (Sacramento: The California State Mining Bureau, 1904). Dr. Trask was a resident physician of San Francisco in the sixties. (S. F. Directories.) He contributed an article to *Hutchings' California Magazine*, Vol. V, No. 4 (October 1860) written while he was in Virginia City, Nevada, in April 1860. During the Civil War, Dr. Trask served as a surgeon to the Volunteers. (W, p. 112.) He died in San Francisco on July 4, 1879. (*Alta California*, July 5, 1879.)

**Valentine, Charles*, lived in Stockton for a short time, but being unsuccessful financially, he went to San Francisco where he was interested in a butcher shop.

Valentine, Matthias B.

Valentine, Thomas B. A "T. B. Valentine" is listed as a printer in the San Francisco Directory, 1852, and as a member of the firm of Monson, Valentine & Co. in the Directories from 1852 to 1860, his name sometimes being given as Thomas B.

**Van Buren* (or *Van Beuren*), *George T.* (or *F.*) One of Bachman's Mess. (BD, Mar. 18, 1849.) He had a mining claim on the Van Beuren and Kneedler lead, 400′ x 400′ bounded on the north by the claim of Thorp and Stone and on the south by that of Beritzhoff & Co.; also, George F. Van Beuren and Joseph M. Kneedler claimed 450′ on the Ross and Bordwell lead. (CALA, Sept. 16, 1857.) Van Beuren left the mines for San Francisco and New York in January 1859. (BD, Jan. 29, 1859.)

†*Walker, W. W.* Left the company at the Rio Grande. (BD, Mar. 18, 1849.)

**Walsh, Nicholas J.*, born in Ireland. Came to New York in 1841, and to California with Audubon. His family joined him in California, on his ranch in the San Joaquin Valley. Reminiscences of his overland trip have been collected by his granddaughter, Mrs. Robert Mann, of Stockton. There is also a diary which he kept while in California. Mr. Walsh was drowned in 1864 when he slipped and fell from a boat in the old Stockton slough.

Warner, James. This may be the James Warner who was elected a councilman at Stockton, August 1, 1850. (SJ, p. 32.)

**Watkinson, Joseph S.*

Webb, Edward C. and *Lispenard S.*

Webb, Watson, Colonel H. L. Webb's son. He became a captain during the Civil War, and died on December 3, 1876. (H.)

**Weed* (or *Wead*), *George*

†*Whittlesey, Edward W.* Died at the Rio Grande. (BD, Mar. 17, 1849.)

Whittlesey, Gilbert B. and *William.*

Williamson, Isaac H. (or *J. A.*)

†*Wilson.* Left the company at Mier. (BD, Apr. 28, 1849.)

Winthrop, Francis B.

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The Lost Toma de Razon

A Register of Land Grants Comes to Light

By J. N. Bowman

IN 1914 the California State Library purchased from Patrick J. Healy, of San Francisco, a small manuscript book called *Libro donde se asientan los despachos de terrenos adjudicados en los años 1839 y 1840* (Register of Land Grants, 1839-40). From this title and the nature of the entries the Library assumed that it was some kind of a record book of the Mexican land grants; but whether it was an official or a private record and how it could be related to the private land grants were unknown. While visiting the Library in August 1942, the author of this article was asked by Neal Harlow, of the Library staff, whether his work with the private land grant litigation and papers might give a clue to the identity of the *Libro*. Leafing through the pages of the little book, the writer recognized several of the names of grants and grantees as being those of litigants in the land cases. But the first real clue was found in the numbering of the entries, 1 to 196, for the *Toma de razon* of 1844-45 which, although burned in 1906, had been transcribed in the Spanish Documents in the State Archives, began at number 197. In addition, the wording and the nature of the entries were similar to those recalled as being in that *Toma*.

A checking of the 196 entries with the writer's index of the land grant cases indicated that the *Libro* might be the long-lost register of land grants which preceded that of 1844-45—the *Toma* of 1839-40, which has always been regarded as having been burned in the San Francisco fire of May 3, 1851. Captain Joseph L. Folsom, who had the book at that time and for a few months before, for a lawsuit in San Francisco, wrote and also testified that the book was burned in this fire. This was also the fate attributed to it when the question of its existence was raised in a number of land cases. All of these notes were reviewed, the testimony of Folsom was read again, and also the testimony of the early keepers of the Spanish Archives in the office of the United States surveyor general, and the statements of Francisco Arce, Manuel Jimeno, José María Covarrubias, and other Mexican officials who were in a position to be conversant with the records and with this lost *Toma* of 1839-43.

That there was in existence a register with the title given above cannot be questioned. Henry Wager Halleck acquired it for the archives in July 1847;[1] in February 1850 it was taken with the other land grant papers and documents to Sonoma and then to Benicia. When, early in 1851, the long ejectment litigation between Jacob P. Leese and William Squire Clark over the two lots at Clark's Point at the foot of Broadway began, this *Libro* was requisitioned. General Persifor F. Smith ordered Captain Folsom, of the Quartermaster Corps, to secure the book from Captain Frederick Steele, keeper of the archives at Benicia. Folsom secured the book sometime in February or March. For about ten days it was in possession of the court and was then returned to the captain, who kept it in his office. In June, Samuel D. King arrived in San Francisco as the first United States surveyor general; but when, within the next few weeks, he received from Benicia the land grant papers of the Spanish Archives, this book was missing. Early in September King wrote to Folsom, the last person known to have had it. Folsom replied a few days later that "The book of records to which you allude was put into my hands by the order of General Smith to be produced as testimony in a case then pending in the Supreme Court. It was so used and was retained in my office subject to the order of the proper officer representing the commanding general. In the meantime the great fire of May 3 occurred and my office with all its contents was destroyed. Unfortunately the book of records in question was destroyed with the rest. This was the only book of records of land titles ever in my possession." This letter has always been the official statement as to the fate of the *Libro*. In fact it is copied in full in the Spanish Documents following this note: "The first book of asientos or book of titles ends with No. 108. The succeeding one is missing, but the copy of the following letter explains how it happened."[2] In 1854 Folsom testified in the Angel Island land case to the same effect and added that he had been entrusted with the book because he was the staff officer of the army in San Francisco at that time, that he received the book from Captain Frederick G. Steele, aide-de-camp of General Smith, that he had possession of it "perhaps one week, perhaps 3. . . . It was in the hands of the Court about 10 days. It may have been some 5 or 6 weeks from the time I received it till it was destroyed," and gives some description of the book as will be considered below.[3] The history of the book from May 1851 until it was acquired by Healy is unknown.

When the entries in the *Libro* were compared with those in the *Toma* of 1844-45 as transcribed in the Spanish documents, the wording, phraseology, arrangement of items, and order of data in the entries were found to be practically the same in both books. Arce, as will be noted later, has stated that he made entries in both *libros*. The handwriting of the *Libro* in the State Library was compared with that of Arce found in the land cases.

The land case testimony of Halleck, Folsom, Arce, Cayetano Arenas, Covarrubias, José Matias Moreno, B. F. Mahon, Thomas E. Evershed, and Robert C. Hopkins, all of whom were conversant with this book and with the archives, was then studied. It was learned that there had been eight registers of land grants in the Mexican archives. The first was the register containing some, but not all, of the grants made prior to 1828. This book was burned in 1906 but an abstract of it had been made by Bancroft in his California Archives.[4] The second register was the book of *Titulos* begun by Figueroa in 1833 and continued to May 1836. The *titulos* are recorded in full. In 1906 this book also was burned but a transcript had been made in the Spanish Documents.[5] A third register, for 1836-38, surely existed, but no reference to it has been found; its existence is inferred from the *expedientes* of the ranchos Agua Caliente, Sausalito, and Napa, all of which contain statements that the record had been made in the proper book.[6] All these *titulos* and entries were made in 1836 and 1838, in the interval between the book of *Titulos* and the *Toma* of 1839-43. Very probably this book was of the same kind used in 1846—sheets of paper stitched together and unbound. The fourth register was that of 1839-43, the one here in question. As has already been noted, it was secured in July 1847 in Monterey, by Halleck, and placed in the archives; it was later taken to Sonoma and Benicia where Folsom received it early in 1851; it was used in the Leese *v.* Clark case; and reputedly was burned in the May 1851 fire. The fifth register was unbound, consisting of loose sheets stitched together, for some, not all, of the *titulos* of 1841, '42, and '43. Evershed, keeper of the archives in 1853, referred to it as an unbound *toma de razon*, very incomplete, with many pages missing, as judged by the paging.[7] The sixth register was the *Toma* of 1844-45. Covarrubias never used it and never saw it until the early fifties. Arce made many of the entries in it. This book remained in Monterey in 1845 when the capital was changed to Los Angeles. It was burned in the 1906 fire but a transcript exists in the Spanish Documents. The seventh register, consisting of unbound sheets stitched together, was used by Covarrubias in Los Angeles to the end of April 1846.[8] The eighth register was also an unbound *Toma* of sheets stitched together. Moreno used it for his entries from May 1, 1846, to the end of the regime, carrying it with him on his travels with Pio Pico to make entries for grants made en route. Both of these registers were boxed with the other archives in Los Angeles in August, on the approach of the American forces, and placed for safekeeping in the house of Louis Vignes. Since then the books have never been heard of.[9] How they were lost between the packing of the archives on August 12 and the American acquisition of the governmental papers, is still an unanswered question. In the Spanish Archives in the fifties were also two small books called the "Record of Possession, 1835-42," and the "Possession of Ranchos, 1835-40."[10] These were not registers of titles but were corroborative evidence that the grants had been made.

In identifying the *Libro* a number of items may be taken into consideration. The title of the book is *Libro donde se asientan los despachos de Terrenos adjudicados en los años 1839 y 1840*. This was the title of the book shown to Arce in 1851 in the Leese *v.* Clark case and which was supposed to have been burned on May 3, although the title, so far as the years are concerned, does not agree with the contents which include the dates from 1839 to

1843.[11] The size of the book Folsom recalled, after three years, as being "about the size of foolscap paper," which is fairly close to the actual size of this *Libro*, which is 12¼ x 8½ inches. The companion *Libro* of 1844-45, which Mahon, and also Evershed, recalled, after nine years, as being about 12 or 13 inches by 7, was a bound volume of that size, with the same impressed seals at the middle top of each page as are found in this *Libro*.[12] The thickness of the book Folsom recalled as about ½ inch. The *Libro* is ⅝ of an inch thick.[13] As for the binding, Folsom recalled that "it was bound in pasteboard covers with either cloth or leather on the outside. It was not apparently newly bound but seemed soiled by use."[14] The *Libro* is bound in pasteboard covers, with a leather back, which are in turn covered with paper of mottled colors of blue, brown, tan, and black. Regarding the paging of the book, Folsom testified that "I do not think it would have contained over 200 pages."[15] The *Libro* contains 140 pages and two flyleaves. There are two sets of page numbers in ink. The first set runs from 1 to 53 for the book as a whole; the first few pages, including the inside of the front cover, are numbered on each page, and the remainder of the leaves are numbered only on alternate pages. All the numbers, 1 to 53, are written on the seals, but the earlier numbers are scratched out for the second set of numbers. The second set of numbers are for the years only: 1 to 15 for 1839 are inserted in the upper right-hand corner; 1 to 5 for 1840 begin on page 22 of the first set; 1 to 8 for 1841 begin on page 27 of the first set; 1 to 6 for 1842 begin on page 35 of the first set; 1 to 1843 begin on page 43 of the first set. There are several blank pages, numbered but without any entries. Folsom recalled that "there was some writing on a fly-leaf of the book and my impression is that gave some indication of what the book contained."[16] Evidently Folsom referred to the label on the front outside cover of the *Libro;* on the flyleaf there is no writing. As to the years covered by the book, Folsom stated that "according to my present recollection there were entries in it running from 1834 to 1844."[17] The entries in the *Libro* run from January 18, 1839, to December 8, 1843. Regarding the entries, Folsom recalled that they "were in the nature of an abstract; each entry embracing some 6 or 8 lines. I looked at it once in my office and again in the court with reference to the case spoken of and made no other examination of it. The mode in which the book was kept struck me with some force as it was the first book of the Spanish archives I had seen"; and also that each entry "was a mere synopsis of the date, name of the grantor or official officer granting, and the grantees, the name or description of the place granted, the quantity of land and its location, etc., embracing in all perhaps 6 or 8 lines of writing."[18] In the *Libro* the entries are in conformity with this recollection, except as to the number of lines per entry. Folsom's recollection no doubt was centered on the item of the Leese and Vallejo grant, number 23, which has twenty-nine lines, and with this as a basis, he recalled that the others had fewer lines. Number 72 has eleven lines while the others run three, four, five, six, and eight lines; all after number 118 have three lines each.

The most striking things in the *Libro* are the stamped seals at the middle and top of each page. This seal has not been found on any of the existing papers of the Spanish archives, nor, aside from these *tomas*, has any reference to such a seal been found. The only seal known which was used in the governor's office was one of metal used to stamp documents and to make some "stamped" papers by using printer's ink or the carbon from the flame of a candle.[19] The seal impressed in the *Libro* is 1½ inches in diameter, with the following words around the edge: "*De oficio para el bienio de 1836 y 1837*." In the central part of the seal is the usual Mexican eagle, snake, and cactus. Evershed and Arce both describe this seal with the eagle and the wording as found in the *Toma* of 1844-45.[20] This, of course, does not identify the *Libro* as the *Toma* of 1839-43, but is corroborative evidence if the *Libro* can otherwise be identified as this latter book.

The most determining factor in the identification is the handwriting of Arce. Francisco Arce was born in 1822 in Mexico and came to California in the early 1830's. In 1834-35 he lived at Mission San José. In April 1836 he entered the governor's office as a clerk and in time he became chief clerk and even acting secretary of state, leaving the office in February 1845, about the time the capital was moved to Los Angeles. After the fall of the Mexican regime he resided in Monterey and Santa Clara counties and was a merchant there. He testified in many of the land cases. He was very conversant with the activities of the government between 1836 and 1845, writing many of the petitions for petitioners and the *titulos* signed by the governors, and making the entries in the registers.[21]

In the Leese *v.* Clark case Arce testified that most of the entries in the *Toma de razon* were in his handwriting.[22] In several of the land grant cases he also stated that certain other papers were in his handwriting. In the Cienega de Gabilan land case he testified that Governor Micheltorena's *titulo* of October 26, 1843, was all in his (Arce's) handwriting except the signatures of the governor and Jimeno; in the case is a photograph (in several pages) of this *titulo*.[23] This grant had been made to Antonio Chavis; the claim for it was made by José Y. Limantour, but the patent was issued to Jesse D. Carr in 1867. Even though Limantour was a claimant it was not one of his *titulos* that were later adjudged fraudulent. Strange to say, it is not recorded in the *Toma* of 1839-43 or in any other register; it is one of the several which the clerks failed to register.

In comparing the handwriting of the *titulo* of 1843 with the later entries in the *Libro* of about the same time, the marked similarity of the writing is quite evident. Characteristic are the capital and small letters in the two documents: *C*, *N*, *A*, *D*, *M*, *O*, *S*, *J*, *L*, *G*, and the small letters *z*, *s* in *sitio* and at the end of words, *p*, *f*, the high strokes of letters above the line with the two strokes close together, and the long strokes below the line with the frequent flourish, and the occasional flourish of the *d* in the middle of words —all these were surely made by the same person. The same words appearing in the two documents are also by the same hand: *Tres*, D^n, M^a, *Antonio*, *y*, *titulo*, *sitio*, *ganada mayor*, *terreno*, *Octobre*, *libro*, *de*, *en*, *el*, *nombre*, and *nombrado*. Only two numerals were found in common in both documents, 1 and 2, and they were made in the same manner. Arce had some very characteristic methods of writing some letters. His *T* in *Titulo*, *Terreno*, greatly resembles a script capital *F*. In the *Toma* this appears as does also the usual *T* in *Titulo*. His small *z* is always written as though it were a small capital; all his *r's* are always written as inverted *v's;* his *t's* are always crossed high; and his capital *E* could almost be taken for a *C*. The end strokes of final letters, especially *e*, are equally characteristic in the upward turn, in both documents. Some of his letters, however, show variations. The curvings of the strokes in *B* are the same in both documents but in the *Toma* the final stroke is to the right of the main down stroke while in the photograph it is to the left. The capital *P* shows the same characteristic strokes, but in the *Toma* it is formed by two strokes and in the *titulo* by one. The capital *R's* also have the same curvature but in the *Toma* the *R* is written in one stroke and in the *titulo* with two. Capitals *H*, *V*, *J*, *Y*, *W*, *Q*, *F*, *U*, and Z were not found in common in both documents, but his three signatures to his testimony in the District Court, two in 1857 and one in 1861, show the *F* written as in the *Libro*, and the *A* in *Arce*, as found in both documents.[24]

In the Rincon de la Ballena land case[25] is a traced copy of the *titulo* of October 12, 1839, which Arce testified he wrote. Even though a traced copy is not as valid as a photograph, the same characteristic writing is found in it and in the *Libro*. The capitals *V*, *L*, *S*, *D*, *M*, *E*, *F*, *N*, *S*, *J* are by the same hand, and the characteristic *T* (similar to *F*), Z, and *E* are found in both. In the Sonoma Pueblo land case[26] is a traced copy of the entries 231 and 232 in the *Toma* of 1844-45. Here again the same similarity of writing is found when compared with that of the *Libro*.

In the tracing of the Rincon de la Ballena *titulo*, mentioned above, is also Arce's note that the *titulo* had been recorded in the proper book on page 12. The entry on this page in the *Libro* is to the same grantee, Don Cornelio Bernal, but is for another rancho and was made six months later. The clerks either forgot to make the entry, or, recognizing the name Bernal, concluded that the entry had already been made, or some other *Libro* was used which is now lost; the most probable answer is that no record was made. On the other hand, Arce's note to the *titulo* of Positas[27] that it had been recorded in the proper book is correct; the entry is number 8 in the *Libro*, and even the spelling of Robert Livermore's name, "Libermot," is the same as in the *titulo*.

Another factor in the identification is the testimony of Arce in the Leese *v.* Clark case, where he was shown a book bearing the same title as this *Libro*, and stated that it was the register in the government house, that he had made most of the entries in it, and that on page 7 was entry 23 which he had written. This entry is that of the two lots to Jacob P. Leese and Salvador Vallejo, which were the basis of this long litigation of Leese *v.* Clark. The book he was shown was this *Libro* which had been taken from Folsom's office to the office of the attorneys for identification by Arce.

The paper in the *Libro* bears no watermarks, but one flyleaf has a watermark, *Ignacio*, and the other has an ornate design around and above the letters *BAS*. In the few original papers in the land cases no papers with these marks were found. The paper of the *Libro*, however, is quite similar to that used in the thirties and forties in the governor's office, as judged by the copies found: the size of the leaf, thickness, surface, and texture apparently are identical with it. Folsom's testimony regarding the binding of the *Libro* is followed by the statement that "it was written on a yellowish paper such as was in use among the Spanish people."[28] This evidently refers to the inside paper. That of the *Libro*, however, is white but not as white as present letter paper; only some peculiar illumination would give it a yellow cast.

The earlier pages of the *Libro* are ruled in in ink in such manner as to give an inch margin on the left side of the page and a two-inch margin under the seal at the top. In the earlier part of the book the left vertical line runs the length of the page; in the later pages it runs only as far as the horizontal line, with the left margin about 1½ inches and the top margin about 1¾ inches. The margins, however, are not all of these widths. The left margin, for 1839 entries, was used to indicate the area of jurisdiction in which the grant was located. Under a few of these marginal notes are figures with symbols before them, which could be taken as the symbols of pesos. They might indicate the amount paid for stamped paper; this, however, is only a surmise.

From the above facts, especially from the identification of the writing and the references by Arce to entries in the *Libro*, this book can be identified as the long lost *Toma de razon*. The paper can not be checked as carefully as the writing, and it is possible that similar paper could be found among the mission documents, in the various collections of documentos, and perhaps among the *expedientes* now in the National Archives. But it is not at all probable that such paper would do other than add to the further identification of the *Libro* as the lost *Toma*. The book came from Mexico during the years given on the seal, or very soon thereafter; Arce testified that the *Toma* of 1844-45 "was sent from the government of Mexico with others of the same kind for the use of the government office in California." From the above identification this *Libro* was one of the "others," and consequently was a companion volume to the *Toma* of 1844-45.[29]

The probable story of the *Libro* may be somewhat as follows. The last that Folsom and his office staff knew of the book was that it was in the office when the fire occurred on May 3, 1851; they never heard of it later, so naturally assumed that it was burned with other office effects. There is no reason to believe that it was taken from the office without his knowledge, before the fire. Its loss or concealment would not affect the Leese *v.* Clark case—it had already been in court—and the Land Commission had not yet begun its work on the private land grant claims, so a malicious theft is not probable. It is very probable that during the fire some person or persons took from the office some boxes, paper or documents, and among them the *Libro*. After the fire they may have been stored away and forgotten, or if the salvaging was with malicious intent, the papers were found to be worthless to the one who took them, and were tossed into a corner or trunk and forgotten. If the holder of the papers knowingly had the *Libro*, he was not conversant with the proceedings of the Board of Land Commissioners or of the District Court and of the part this *Libro* could and did play in the proceedings of these two bodies, especially the latter. It is quite probable that it was stored away and its whereabouts became unknown in much the same manner in which the manuscript of Davis' *Seventy-five Years in California* was salvaged in the 1906 fire and its whereabouts was unknown until long afterward. The real history of the *Libro* from early May 1851 until Healy acquired it at an unknown date has not been learned; it was in his possession until it was sold to the State Library in 1914. But whatever its story there seems to be no doubt as to its identity as the lost *Toma* of the entries of 1839 to 1843.

The question naturally arises as to the effect the presence of the *Libro* would have had on the private land grant claims from 1852 to the last case decided in 1942. Seventeen of the registered grants in the *Libro* were not claimed.[30] Of the remaining 179 claimed all were confirmed except ten. Of these ten, five were rejected because of lack of proof of occupancy and also because of lack of archive evidence of grants. Two were rejected because the descriptions of the lands were too indefinite to locate.[31] One was rejected because of the claimant's lack of evidence as to right to make the claim; this claim was for half of the Island of Santa Cruz which was patented to Andres Castillero. And two were rejected because of lack of evidence of grants. Had the *Libro* been available to the District Court it is highly improbable that it would have made any difference in the decisions of the first eight, the proof of the grants would have been evident, but rejection would have been based on the other questions. In the last two it is highly probable that the claims would have been confirmed. Atascadero was a grant of one league and the San Francisco lot was of 200 varas, or a total of 4445.62 acres, if confirmed as granted. This, however, would not have affected the total acreage patented in the state because Atascadero was later confirmed and patented to another claimant, and the San Francisco lot was covered by the pueblo patent.

The *Libro* would have been of great service to the Board, and especially to the District Court during the private land grant claims, and would have saved much inquiry and testimony as to the existence of the book and how it had been lost. But, as noted, its presence would hardly have affected the fate of more than two claims. The legal value of the *Libro* has now passed; its historical value is great in that it is the only one of the eight known registers now in existence. Even as registers of land grants they are not complete because many of the grants were not registered, probably because of clerical oversight, even though a marginal note on the *titulo* indicated that registry had been made.

The original *Libro* is now in the State Library, but photostats are in the Bancroft Library, and in the State Archives as volume 9 of the Spanish Archives.

NOTES

1. Leese *v.* Clark, California Supreme Court Case, 5201, 1851, State Archives, Sacramento.

2. Spanish Documents, Original, VIII, 310, State Archives, Sacramento. Land case 363 ND. The records of private land grant cases are in the office of the Clerk of the U. S. District Court, Post Office Building, San Francisco.

3. Land case 208 ND.

4. California Archives, A 62, III, Bancroft Library, University of California, Berkeley. It is not complete; the San Antonio grant, among others, is omitted, and it is not at all probable that Bancroft purposely omitted it.

5. Spanish Documents, originals, VIII, 311f, State Archives.

6. Land cases 133 ND, 83 ND, 66 ND.

7. *Ibid.*, 227 SD, 371 SD.

8. *Ibid.*, 428 ND, 338 ND, 349 ND.

9. *Ibid.*, 349 ND, 132 ND, 106 ND, 121 ND, 338 ND.

10. Report of the Secretary of the Interior, 50th Cong., 1st sess., H. Ex. Doc. 2541 (1887-88), X, 626; *ibid.*, 2d sess., H. Ex. Doc. 2636 (1888), X, 402.

11. Leese *v.* Clark case, 5201, State Archives.

12. Land cases 208 ND, 100 ND.

13. *Ibid.*

14. *Ibid.*

15. *Ibid.*

16. *Ibid.*

17. *Ibid.*

18. *Ibid.*

19. *Ibid.*, 103 ND.

20. *Ibid.*, 100 ND, 403 ND.

21. Land cases 5 ND, 100 ND, 229 ND, 234 ND, 304 ND, 342 ND, 345 ND, 403 ND, 407 ND, 408 ND, 413 ND, 424 ND; 77 SD, 279 SD, 314 SD.

Arce was uncertain as to his age, giving at different times ages which would indicate that he was born in 1822, 1823 or 1824; in 5 ND he said he looked up the question and found the year was 1822. In two cases he is reported as testifying that it was April 1838, and April 1839, when he entered the governor's office.

22. Leese *v.* Clark, Supreme Court case 5201, State Archives.

23. Land case 314 SD.
24. *Ibid.*, 300 ND, 304 ND, 229 ND, 17 SD.
25. *Ibid.*, 229 ND.
26. *Ibid.*, 423 ND.
27. *Ibid.*, 135 ND.
28. *Ibid.*, 208 ND.
29. *Ibid.*, 403 ND.
30. The seventeen unclaimed grants, by *Libro* number, are: 1. vara lot, Yerba Buena, to Salvador Vallejo. 18. Secuan to Juan Lopez. 32. Paguay to Rosario Aguilar. 33. San Pedro y San Pablo to Diego Forbes. 37. Aguages to Encarnacion Sepúlveda. 46. Timber grant to Inocentio Garcia. 57. 1,000 varas to José de Jesus Vallejo. 88. Corral de Tierra to Luis Mesa. 91. 100 varas to Agustin Martinez. 101. Valle de San Luis Gonzaga to Da. Maria Ines. 118. 400 varas to Mariano Bonilla. 126. 1 league to Santiago Rios. 249. Tierra Redonda to Antonio F. Cruz. 171. 1,000 varas to Samuel, Indian. 177. Timber grant to T. Tapia, Ig. and D. Alvarado. 187. 200 varas to Santiago Leyba. 188. Huerta del Rey to Morulino Escobar.
31. Rejected because of lack of proof of occupancy: 59 ND, Mill site, Mission San José; 234 SD, Loma del Espiritu Santo; 236 SD, Alamos y Agua Caliente; 239 SD, Camulos; 286 SD, Refugio. Rejected because of indefinite description: 96 SD, and 138 SD, Lots, San Gabriel.

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EDWARD BOSQUI

From a photograph in the possession of his daughter,
Mrs. Archibald Treat

Edward Bosqui, Printer and Man of Affairs

By Henry R. Wagner

EDWARD BOSQUI was born in Montreal on July 23, 1832. His father, a cabinet maker, born in Quebec in 1806, was the son of a Frenchman who had been born in Marseilles in 1776 and had come to Canada in 1804. His mother was of Scotch descent. Bosqui had little formal education but early learned to love books. At the age of eleven he worked in a bookstore kept by a man named C. P. Leprohon, and two or three years later he was employed by a Mr. Colt, an American, who also kept a bookshop.

Bosqui very early contracted the California gold fever, but as he had no money he could not start for California before February 1850, when he left with a young man named Perry who had inherited some money. Before leaving Montreal he had become well acquainted with T. Sterry Hunt,[1] the geologist, at that time connected with the Geological Survey of Canada, and from him received a letter of introduction to Professor Shepherd, a geologist who had gone to California in 1849.[2] Perry and Bosqui set sail from New York for Brazos Santiago at the mouth of the Rio Grande on March 26, 1850, and reached there on May 7. A party of nine was then organized which shortly thereafter left for Monterey, Mexico, arriving there on April 22. Proceeding by way of Saltillo, the party reached Durango, of which Bosqui gives an interesting description in his *Memoirs*.[3] He speaks of Parker H. French[4] and his contract with the municipality of Durango to drive off the Indians, a scheme which failed utterly. The party finally reached Mazatlan on foot and with empty pockets and empty stomachs. Bosqui, Perry, and a Scotchman named Wemys, however, finally managed to sail on a French ship, the *Camilla*, on June 16, and arrived at San Francisco on July 23.

There Bosqui immediately obtained employment with the banking firm of Palmer, Cook & Co. In December he contracted the mining fever and went to Mariposa but, finding the life of a miner too strenuous, he returned to San Francisco just after the great fire of 1851, in which the Palmer, Cook establishment was destroyed.[5] He, however, at once obtained another position with the firm.

In December 1853 he departed for Panama on the *Winfield Scott*, on a visit to his old home. The ship was wrecked on Anacapa Island, but all the passengers were saved and camped on the island for several weeks until another vessel came along and picked them up.

José Y. Limantour, whom he had known in San Francisco, was a fellow passenger and, as Bosqui spoke French fluently, they became very well acquainted. He intimates that Limantour had a perfectly good claim, and says that Lockwood[6] had pronounced it good. Limantour appealed to Palmer, Cook & Co. for aid, but their lawyers advised them to leave the business alone. Limantour complained of lack of justice in the courts and said that Americans were barbarians in comparison with the Mexicans. He offered Bosqui a position in Mexico where his future success would be assured. The delay in asserting his rights Limantour attributed to his inability to leave earlier his extensive business in Mexico for a sufficient length of time to accomplish much in establishing his claims. Later he returned to California and was arrested for fraud and forgery. He furnished bond, was released, and the whole matter was dropped. Soon after this he returned to Mexico.[7]

Bosqui said that he always believed that justice was sacrificed in the Limantour case as well as in that of Santillan in which Palmer, Cook & Co. and James R. Bolton were interested. The rejection of the Santillan claim by the Supreme Court of the United States was due, he said, to the bitter and persistent efforts of Judge Jeremiah Sullivan Black, of Pennsylvania, the attorney-general. It was openly asserted that Black was motivated by personal animosity against the principal owners of the claim in Philadelphia, to whom Palmer, Cook & Co. and Bolton had sold a large part of their interest.[8]

After the shipwreck, the passengers were taken down the coast. Bosqui crossed the Isthmus, spent only two weeks at home and, bringing his brother Kenneth with him, was back at work for Palmer, Cook & Co. early in 1854.

In the spring of 1854 (Bosqui gives the date as 1852) he met John C. Frémont on the morning of his arrival in San Francisco after his fifth expedition across the continent:

> Fremont was at that time in the prime of life, dignified, yet genial and courteous, and appeared a much younger man than I expected to see. With a piercing bright eye, a fine head, and a trim, commanding figure, he fully realized my ideal of a hero. As the Colonel was the guest of Mr. Palmer for several months following, I met him almost daily and came to know him well.[9]

Bosqui particularly remembered Alexis Godey (whom he calls Alexander Godoy), who related to him many of his experiences in the Rockies, always in French as Godey's knowledge of English was limited. In 1853, Bosqui says, Godey consulted him about the purchase of several thousand acres of grazing land near San Jose. He made a sheep run and was very successful with the business, and died a few years later.[10]

Among others who frequented the Palmer, Cook & Co. establishment at this time were Andrés Pico, Pablo de la Guerra, General José M. Covarrubias, and Juan B. Alvarado who made it his headquarters when visiting San Francisco. In May 1852, at Alvarado's invitation, Bosqui visited him at the San Pablo ranch. He complains that for breakfast he was given no milk, butter, or fresh meat, but only *carne con chili colorado*, *tortillas*, jerked beef, and coffee. Alvarado always looked upon Bosqui as a foreigner and spoke disparagingly to him about the Americans, whom he regarded as enemies of the country.

Bosqui gives a very interesting description of Palmer, Cook & Co., with whom he was connected for so long:

> These men, in their business methods, may not always have been guided by the highest standards of justice and propriety, but they were much more honest and just than the majority of those who adversely criticized them. They were at least liberal and enterprising, and foremost in promoting the welfare of the community.
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> Joseph C. Palmer and Charles W. Cook, the leading members of the firm of Palmer, Cook & Co., were natives of Nantucket, Massachusetts. They were representative men of their class. Their ancestors were all identified with the whaling industry, which was the paramount interest of Nantucket and New Bedford. They were bold and enterprising men; and when the discovery of gold in California was announced to the world, Nantucket and New Bedford furnished a large contingent of emigrants to the El Dorado of the Pacific Coast. They knew more about the Pacific Coast and its resources than any other class of the early pioneers; they were among the first to reach the gold fields, and they were preëminently qualified to take advantage of the opportunities offered.
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> Messrs. Palmer and Cook's first adventure was the purchase of a schooner laden with lumber, which they sold at a fabulous profit; and their next was the purchase of the banking business and real estate of Thompson & Company. The last transaction, and Mr. Palmer's foresight and indomitable energy, secured the firm a dominant position soon after its establishment in San Francisco.
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> In July, 1850, when I arrived in California, Mr. Palmer was recognized by those who knew him as one of the leading men in the city. He already foresaw that San Francisco would become an important place, and his chief aim was to secure as much real estate as possible—an achievement to which he devoted all his energies. In 1853 the rent-roll of the firm produced a monthly income of nearly forty thousand dollars. Their policy was to lease the ground and require the lessee to make his own improvements. As time passed and business became less lucrative, most of the improvements were allowed to revert to the lessor. Nevertheless, a liberal policy was pursued by reducing the ground rent from time to time, as required, to a reasonable sum, in order to avoid the forfeiture of the improvements. Most of the responsibility of this department was entrusted to me, and whatever decisions I arrived at were always endorsed. So it was with all street improvements, involving an expenditure of thousands of dollars a month. . . .
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> Mr. Charles W. Cook in character and disposition was the very antithesis of his partner. He was passive and serene, while Mr. Palmer was ever active and on the alert, superintending the conduct of affairs early and late. But Mr. Cook, while lacking in some of the hardier essentials of a pioneer man of business, was a man of magnetic and lovable personality. He had hosts of friends, and won, from all who knew him the most constant and affectionate regard.
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> Mr. Edward Jones, the junior member of the firm, was the clerk of Thompson & Co. When that firm sold out to Palmer, Cook & Co. in 1849 they made it one of the conditions that Jones, who had been their clerk, should be retained as a partner of the new firm. From that time Jones fancied that he was the leading light of the concern, an opinion which was shared by no one else. I had been employed scarcely a month before he made me the victim of his petty persecutions; and on my return from Mariposa, in June, 1851, he became so tyrannical and offensive that I determined to resign my position. When Mr. Palmer heard of this decision he sent for me and insisted that I should remain. He engaged that Jones would offend no more, and as a further inducement, offered me

a considerable advance in my salary. I agreed to remain. All went on tolerably well until about the end of 1853, when Jones again became unbearable, and I notified Mr. Cook of my intended resignation. Two days later Mr. Palmer again sent for me, and said: "Jones will never again give you cause for complaint; and if you will stay with us you shall receive five hundred dollars a month, and become a member of our household." This was of more importance to me, and far more complimentary, than the mere increase of my salary, as it placed me in intimate relationship with the members of my employer's family. The Palmers were noted for their lavish hospitality, and I met at their table the most noted of the early Californians. . . . The pestiferous partner never in any way interfered with me thereafter. Jones was well qualified for the position of a petty clerk, but had no capacity or fitness for the important office he occupied. . . .

In February, 1853, Mr. Palmer went to Washington. During his absence nothing of importance occurred; but on his return to California a marked change was apparent on every hand. All day long people of note passed in and out of the bank, and the entry to the private office was frequently crowded with financiers, adventurers, politicians, judges, eminent lawyers, and army and navy officers.

During 1853, 1854, and 1855 occurred the apotheosis of the firm of Palmer, Cook & Co., and of Mr. Palmer in particular, who was the head of the establishment. Fremont, the hero and conqueror of California, was one of Mr. Palmer's most constant companions. When in San Francisco he made the latter's house his home, and his office his headquarters; in fact, since early in 1850 Palmer was Fremont's most intimate friend and business agent. This may have had its effect in securing to Palmer, through letters of introduction from Fremont to Senator Benton and others, the extraordinary consideration he obtained on his visit to Washington, where he was received by the President and most of the members of his cabinet. He was recognized as one of the representative men and the leading financier of California. He was féted and flattered in every conceivable way; and, in consequence, when he returned to California he was no longer a conservative, prudent man. His first notable mistake was his rupture with Senator [William M.] Gwin; and greatest of all, his meddling in politics by espousing the cause of David C. Broderick, who, although a man of great natural ability and solid worth, had for his associates a reckless, desperate crew of political adventurers. From the standpoint of sentiment Mr. Palmer was perhaps justified in all he did, considering his temptations and surroundings; but in a material sense it was all a blunder, and ultimately brought ruin upon himself and his partners. The prestige of the firm was irretrievably lost from the time that it became known that the banking house of Palmer, Cook & Co. had become a factor in politics.

The first public setback of the firm was caused by a foolish quarrel between Edward Jones, junior partner of the firm, and James King of William, who at the time had just commenced the publication of the *Bulletin*. King applied to Jones for a loan of a considerable sum of money, and Jones, in a very insolent, autocratic manner, declined to accommodate him. King then threatened Jones that he would live to regret his action, and a bitter enmity ensued.

A few days after this event the *Bulletin* published a violent attack on Palmer, Cook & Co., containing a sensational account of a suit just commenced in the Superior Court, Judge [John] Satterlee presiding, by one Salmon—a drunken, irresponsible fellow—against the bank for restitution of a lot of land on Pacific street, on which was founded a claim for damages to the extent of two hundred and fifty thousand dollars. Editorial comments were made on the impending insolvency and utter unreliability of the bank. It was alleged that it furnished the funds for Broderick to make his successful fight against Gwin, compelling Gwin to confess that the firm kept him out of the Senate; that they were kings of the lobby, and so forth. This was followed up day by day with similar

> charges, which, however untrue and malicious, were well calculated to destroy the credit of Palmer, Cook & Co.
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> At first people made light of these attacks, and the members of the firm seemed undisturbed, but the inevitable effect of this persecution was a quiet but steady withdrawal of deposits from the bank and a very apparent loss of confidence. What tended to heighten the embarrassment was the circumstance that Palmer, on his return from Washington, had heavily invested in large blocks of real estate on credit. In the meantime, prices, instead of advancing, receded, and this of course added to the other serious complications of the firm.
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> Mr. Palmer's political affiliations added very much to his financial difficulties, as there was a constant and pressing demand for money from the politicians. Their association with him was a fresh source of trouble, which gave the *Bulletin* a pretext for annoying and vilifying every one in any way connected with the bank.[11]

Later in his *Memoirs* Bosqui has more to say about Palmer, Cook & Co. The difficulties of the firm, he states, were due largely to the efforts of Mr. Palmer to elect Frémont to the Presidency. He says that the bank was the head and front of the Black Republican party, as it was then called in California. After the bank was closed in 1858, Bosqui for a time had charge of the property. The depositors never lost a cent, he claims, although some of them had to wait quite a time to get their money. During the Civil War Palmer was in St. Louis, where he had a government contract. Jones had died in New York in the latter part of 1859.

Bosqui then gives an inside account of the actions of the Vigilance Committee of 1856, too long to quote here as the subject has been written up frequently by other writers. He was opposed to the Committee, but admitted that there was good ground for such an organization.

In 1856 and 1857 Bosqui went to Stockton to look after the interests of Frémont and Palmer in the Pescadero grant on the San Joaquin River (north of Tracy). It comprised eleven leagues square of land, he says, and had never yielded a cent of revenue, Major Bradley and other squatters having possession of the property and running thousands of cattle on the land. Not enough money could be obtained by the owners even to pay state and county taxes. Frémont's Mariposa grant, Bosqui said, was in the same predicament.

In June 1857 Bosqui was engaged to take charge of the Mariposa grant which, as in the case of the Pescadero, had been neglected through lack of sufficient capital to develop its resources. An English company had purchased in 1851 from Colonel Frémont a group of mines in the state and, after spending over two million dollars on them, had failed in 1854. Since that time the mines had been abandoned, except the Josephine mine which was still being worked but at no profit. The few tenants on the grant were impoverished, and even claims that had been considered secure could not be collected. Count de Blandville owed a large sum for wood and acted in the matter, says Bosqui, the part of anything but a nobleman. Major Adelberg,[12] a Hungarian, had charge of a ten-stamp mill in Bear Valley. He professed much more than he knew about mining but continued to deceive himself and Frémont into believing that ultimately he would make the mine pay big dividends. Although the ore from the Josephine assayed $30 per ton it cost more than $30 to extract and work it.

Bosqui was ordered back to San Francisco by Mr. Palmer to give testimony in a lawsuit. In the meantime, news was received that the Merced Mining Co. had taken possession of all the mines which the new company had intended to work. He was then sent back to Mariposa, where he arrived on July 8, 1858. The first news he received, he says, was warlike in the extreme; bloodshed seemed imminent. Then follows a long account of a bloodless war between the employees of the Merced Mining Company and Colonel Frémont's followers. The Colonel and his wife were living in Bear Valley and Mrs. Frémont was extremely solicitous about Bosqui's welfare.

Bosqui neglects to state that the Merced Mining Co. had been mining on the property since 1851, having erected extensive works on the supposition that the property was on United States land. Frémont received a patent for this grant on February 19, 1856, and the location was shifted from agricultural land to take in this mining property. The patent did not reserve minerals as it should have done, being based on a Mexican grant. The Merced Mining Co. was therefore at the mercy of Frémont, and after some litigation by Biddle Boggs, who was acting under a license from Frémont, the court decided that the Merced Mining Co. had no title to the property. This decision was rendered by the Supreme Court of California in 1859.[13] By that time, however, the mine was worked out. Frémont and the Mariposa grant will always be famous for the fact that quartz was first discovered in this district in 1849.[14] The first quartz mill in California was erected by Frémont and Palmer, Cook & Co.

Bosqui describes Mrs. Frémont in the following terms: ". . . a highly accomplished woman of fine intellect, with a towering ambition, and courage equal to her husband's. The acquisition of power and love of display and leadership were her ruling passions, and caused much of her husband's trouble and disappointment."[15]

Bosqui pays a fine tribute to Benjamin P. Avery whom he met in 1855 and who soon became his closest friend.[16]

On May 4, 1859, Bosqui married Helen Van Allen, and about that time bought five hundred acres of land in the Moraga valley where he went to live. He describes the terrible flood of the winter of 1860-61, which practically destroyed a great part of his land. He finally sold the property and moved his family to San Francisco. The Palmer bank had closed in 1858, and after a try at the real estate business Bosqui made plans to enlist in the army in 1861. His friends, however, persuaded him to take a position in the office of the collector of customs which was offered to him. It apparently was a kind of sinecure, for he devoted most of his time to what seems to have been a stevedoring or drayage business in which Edward Rankin, the brother of the collector of the port, was interested. The collector, Ira P. Rankin, sent him to Washington in 1862 on some business, but he soon returned to San Francisco.

Anxious to go into business for himself, he soon found an opportunity to buy one-half of the bookbinding business of Alexander Buswell, with money borrowed from Fretz & Ralston's bank. This he sold very shortly and, buying the bindery of a German named Froedel, in November 1863 he established the business of Edward Bosqui & Co.[17] Later, he says, they added letterpress printing. This was probably in 1864, as three small books bearing his imprint of that year are still in existence.[18] In 1876 lithographic engraving and printing were added, and since then, up to the time of writing (1904) they comprised the principal business. Curiously enough, for a man whose business was printing, he has very little to say about it in his *Memoirs*. He says nothing of the incorporation of the business late in 1881 or early in 1882 as the Bosqui Engraving and Printing Co.[19] His daughter, Mrs. Archibald Treat, asserts that he never had any partners. He does speak of printing Dr. Kellogg's *Illustrations of West American Oaks*, in 1889;[20] and in describing the effects of the earthquake in 1868, when his business was located at 517 Clay Street, he mentions the heavy printing presses in his establishment.

Although nothing is said about it in the *Memoirs*, Edward Bosqui & Co., in 1874, printed for the California Historical Society (at the expense of Joseph A. Donohoe) Padre Francisco Palóu's *Noticias de la Nueva California*, in four volumes; and in 1887 the Bosqui Engraving and Printing Co. printed the first volume of the *Papers* of the California Historical Society.

Bosqui's *Memoirs* contain references of great interest and value for the history of California. He says that an attempt was made in 1878 to print Andrew J. Grayson's drawings, but as the cost was estimated at $30,000 the effort failed. He also refers to some Hungarian patriots, refugees, who were interested in the Mariposa grant: Count Wass, Major Danberger, Uznay, and others. He also includes short sketches of Baron Steinberger, Alfred Edwin Davis (known as "Hog" Davis), and William Wood, the cattle speculator who lost his money in 1854 in some great speculation with the Baron.

One of the most interesting enterprises in which Bosqui engaged was printing the *California China Mail and Flying Dragon*, published by Frederick Marriott. The first number, issued on January 1, 1867, is the only one which purports to have been printed by Bosqui. Nos. 2 and 3 carry no name of printer, and Nos. 4 to 7, all that are now known, state that they were printed by Frederick Marriott, at the San Francisco *News Letter* office. However, the type and headings are the same in all the numbers. A peculiarity is the inclusion of a few pages in Chinese characters, which it seems hardly possible could have been printed by Bosqui. Each number usually consisted of four pages and sixteen of supplement.

Besides the *Memoirs*, Bosqui was the author of a *Review of the United States Internal Revenue Administration in California, Exposing the Evils of the Moiety System* (San Francisco, 1868). Bosqui had a friend, Edward Field, of Nantucket, Massachusetts, who owned a vineyard at San Jose. Bosqui had charge of the property for Field. Along came a big crop of grapes, and Bosqui, in order to get rid of them, started to distill brandy from them. At that time under the moiety system an informer got one-half of the property of the man he accused of violating the revenue law. Bosqui was either unaware of this or was careless and was denounced to the collector of internal revenue. The pamphlet, printed in 1868, contains a number of documents and affidavits in the suit. He was particularly bitter about the operation of the moiety system.

The book also contains accounts of the activities of William Walker and various filibusters of the time, and Bosqui claims that the Palmer firm had no connection with the enterprise. He also tells of an interview with Isaac Graham in 1854, as an agent for Governor John A. Stanly of North Carolina. Graham was then "a magnificent wreck," he says.

One of the most interesting references in the book is to Sam Brannan who, Bosqui says, was one of the early partners in the overland railroad enterprise. A difficulty arose between him and Leland Stanford and Charles Crocker, and Brannan brought suit in 1873 against them through his attorney John B. Felton. Bosqui was engaged to print a voluminous brief in the case,[21] but before it was filed a settlement was reached by which Brannan received $250,000, of which Felton received one-fifth. At the time of the French intervention in Mexico Brannan advanced considerable sums to the Mexicans which he could not recover. The Mexican Government recognized the validity of his claims and in 1878 offered him a grant of land in the Yaqui country in Sonora, promising to put him in immediate possession of it. Unable to interest his friends in the scheme, he started to establish himself in the midst of hostile Indians. The Indians, however, prevented him from doing this, so he returned to Guaymas, where he remained for some time, listening to the alluring promises (never fulfilled) of the Mexican Government, and finally went to Nogales where, Bosqui says, he died in poverty and neglect.[22]

Bosqui was particularly interested in aiding the cultural growth of the city. He was one of the organizers of the San Francisco Art Association, in March 1871, and of the Bohemian Club in April 1872. A charter member and early director of the latter institution, he tells an interesting story about the struggle between the artistic members, who paid no dues but provided all the amusement, and the members with money, who simply listened to the artists, whom he calls the real Bohemians, who lived by their wits. Bosqui also was one of the early members of the California Academy of Sciences.

In 1883 he visited San Juan Capistrano to look into the property of Juan Forster on which a mortgage had been foreclosed by the creditors of F. L. A. Pioche. Here he was the guest of Judge Richard Eagan whose guest Madame Helena Modjeska had been a few weeks previously. Together they visited Trabuco which was then conducted as a sheep ranch by a lessee of the Pioche estate, Louis d'Artigues, a Frenchman who had come to California after the Franco-Prussian war and had worked for a wholesale butcher in San Francisco until 1878, when he borrowed $1300 to buy five hundred sheep. At the time of Bosqui's visit the flock had increased to twenty thousand, and in 1887 D'Artigues sold them and returned to France with $137,000.

On the following day, with Eagan Bosqui visited the Santa Margarita y Las Flores rancho, which Richard O'Neill and James L. Flood had recently acquired from Forster.[23] The employees were largely Indians who, Bosqui says, would eat more food and drink more whisky than they could earn at the ranch. Bosqui speaks in a very complimentary fashion of Judge Eagan, for he was impressed that such an insignificant looking individual was able to rule the Indians at the Mission as he did. The preceding summer, Paul Ferenzeny had sketched at the ranch. He planned to have Bosqui publish his work, but nothing ever came of it. Ferenzeny had been a fellow student in the Latin Quarter in Paris with Jules Tavernier and Adrien Moreau, and Bosqui considered these three the cleverest artists who had ever come to California.

Later Bosqui visited Los Angeles to report on some of Mateo (Matthew) Keller's property. Keller, he says, was a graduate of some Irish college who had shipped before the mast and on reaching California had remained here. In addition to having some literary ability, Keller was one of the first to develop grape culture on a large scale and later was the leader in the development of the wine industry. He also was the first to demonstrate that cotton could be grown in the state. Bosqui and Keller went to Point Dume to inspect the ranch. Keller was heavily in debt, land poor, and on the verge of bankruptcy; but at a critical time Isaias W. Hellman came to his relief. After Keller's death, Hellman, as executor of the estate, managed to pay off the indebtedness and some years later, when he turned the property over to the heirs, its value had increased to $500,000.

Sometime in the eighties, Bosqui, as one of the appraisers of Captain John Bradbury's estate, visited Southern California and saw it, as he says, "from the sea to the Cuyamaca range."[24] He later examined a thirty league grant in Lower California for the widow of Colonel Burton.[25] This included the town of Ensenada and extended inland thirty-five miles. On his next visit in 1885, he found the property in the possession of a colonization company which had a concession for about one-half of the peninsula. He bought the

Santa Rosa rancho of twenty-five thousand acres from the company. It was twenty-five miles north of Ensenada, and James Angus, cashier of the Nevada Bank, in San Francisco, was part owner. In 1886 the boom of the International Company of Mexico was in full blast. Ensenada had increased from two hundred inhabitants to twenty-five hundred, and many enterprises were established.

Bosqui bought the old Ross homestead in Ross Valley, Marin County, California, and moved there with his family. The house burned down on March 14, 1897, while he was living in it. His paintings and sketches by every artist of note in California—Thomas Hill, William Keith, Virgil Williams, Julian Rix, and Toby Rosenthal—his bronzes by Antoine Louis Barye, his family portraits, papers, rare books, and, in fact, all of his collections made during the past forty years were destroyed.

Bosqui's book ends with a long account of a trip to Mexico in 1900 with his wife and her sister, Mrs. Charles D. Haven. In passing through Los Angeles he noted a great improvement since his first visit in 1883, when the town contained only eight thousand people. Although Bosqui spoke Spanish fluently, this part of the book contains numerous misspelled names.

Bosqui died on December 8, 1917, at his home, 2010 Lyon Street, San Francisco. He had been active until a short while before, but had not been in business since the fire of 1906, in which his establishment was totally destroyed. He left eight children, three of whom still survive.[26] A son, Edward Lawrence Bosqui, who started a printing business on his own account two years after the fire, died on January 7, 1942. The present E. L. Bosqui Printing Company, however, does not print books but is engaged entirely in commercial work.

NOTES

1. Thomas Sterry Hunt (b. Norwich, Conn., Sept. 6, 1826; d. Feb. 12, 1892) had been appointed chemist and mineralogist of the Geological Survey of Canada in 1847 and served as such for twenty-five years, thereafter becoming professor of geology in the Massachusetts Institute of Technology. He was the author of many scientific articles and books. *Dictionary of American Biography* (New York: Charles Scribner's Sons, 1928-37), IX, 393-94.

2. Forrest Shepard (or Shepherd), a graduate of Yale and former teacher in New Haven, arrived in San Francisco on April 1, on the steamship *Oregon*. With the Rev. Samuel H. Willey and others he was identified with the movement, in San Jose in 1849, to establish a college or university of California. Samuel H. Willey, *History of the College of California* (San Francisco: California Historical Society, 1887), pp. 4-5.

3. Edward Bosqui's *Memoirs*, on which this article is largely based, were privately printed in San Francisco in 1904 as a book of 281 pages. There were fifty copies in the edition, according to Mr. Robert E. Cowan, but Mrs. Archibald Treat, Bosqui's daughter, believes that only enough were printed for the family and a few friends.

4. Bosqui gives May 1850 as the date of this contract, but French's overland expedition to California did not leave New York until May 13, 1850, and broke up at El Paso in September. William Miles, *Journal of the Sufferings and Hardships of Capt. Parker H. French's Overland Expedition to California . . .* (Chambersburg, Pa., 1851; reprinted in New York, 1916).

5. This evidently was the fire of May 4, 1851, which burned most of the buildings between Kearny and Battery, California and Jackson Streets. Frank Soulé, John H. Gihon, and James Nisbet, *The Annals of San Francisco* (New York, 1855), p. 609. When Bosqui first came to San Francisco, Palmer, Cook & Co. (established in March 1850) were housed in the old adobe on Washington Street, facing the Plaza. After the fire they moved temporarily into the Commercial Exchange Building, on the northeast corner of Kearny and Clay Streets, while awaiting completion of their new building on the northwest corner of Kearny and Washington Streets.

6. Rufus A. Lockwood (whose real name was Jonathan A. Jessup) was a brilliant San Francisco lawyer, at that time counsel for Palmer, Cook & Co. See Oscar T. Shuck, ed., *History of the Bench and Bar of California* (Los Angeles, 1901), pp. 577-80.

7. José Yves Limantour, a French resident of Mexico, on February 5, 1853, presented to the U. S. Land Commission a claim to 600,000 acres of land in California including the Farallones, Alcatraz and Yerba Buena Islands, the peninsula of Tiburon, and in addition, four square leagues in San Francisco. Governor Manuel Micheltorena purportedly had signed the grants in return for aid furnished by Limantour to the Mexican Government. The Commission rejected all except the four leagues of land in San Francisco, which took in the area between California Street and Mission Creek, the old road leading from the Presidio to the Mission, and the Pacific Ocean. The U. S. Government appealed the case and the U. S. District Court pronounced the grants forgeries and much of the testimony perjury. John W. Dwinelle, *The Colonial History of the City of San Francisco: Being a Narrative Argument in the Circuit Court of the United States for Four Square Leagues of Land* . . . Third ed. (San Francisco, 1866); Ogden Hoffman, *Reports of Land Cases Determined in the United States District Court . . . June Term 1853 to June Term, 1858, Inclusive* (San Francisco, 1862), I, 389-91. Released on bail, Limantour deposited the money with his bondsmen and left the country. Zoeth Skinner Eldredge, *The Beginnings of San Francisco* (San Francisco, 1912), II, 569-71. In spite of the decision of the court there are still those who believe that Limantour's grants were genuine.

8. José Prudencio Santillan, Indian priest at Mission Dolores, claimed three leagues of land in San Francisco, which he alleged had been granted to him by Governor Pio Pico in 1846. This claim he sold to James R. Bolton, who transferred it to a Philadelphia company. The claim was allowed by the Land Commission in 1855; it then went to the District Court, and in 1860 was rejected by the Supreme Court as an unmitigated fraud. Eldredge, *op. cit.*, II, 571. Nathaniel Bennett, the attorney, presented an able printed argument against the claim in the U. S. Supreme Court. Bancroft quotes Police Judge H. P. Coon in saying that the attorney-general had been "proved to have been deeply interested in the claim, and strove hard to prevent this printed argument from reaching the hands of the judges." Hubert Howe Bancroft, *History of California* (San Francisco, 1884-90), VII, 244.

9. Bosqui, *op. cit.*, p. 77.

10. Alexis Godey, a hunter with Frémont's second, third, and fourth expeditions, came back to California in 1849, married a sister of Antonio F. Coronel, and became a farmer and sheep-raiser. Bancroft, *op. cit.*, III, 758.

11. Bosqui, *op. cit.*, pp. 112-19. Cf. *Continuation of the Annals of San Francisco* (San Francisco: California Historical Society, 1939), pp. 84-103 *passim.*

12. The "Report of J. Adelberg, Ph.Dr.," San Francisco, August 21, 1860, is printed in *The Mariposas Estate* (London, 1861) and in *The Mariposas Estate: Its Mineral Wealth and Resources . . . Reports of Geologists and Mining Engineers . . . Transmitted to Congress on the 5th of March, 1868, by the Hon. Hugh McCulloch* (New York, 1873). In it Adelberg says that he was engaged by Frémont in April 1858 "to develop the mineral resources of his estate . . ."

13. 14 Cal., 279, 380. The opinion was delivered by Chief Justice Stephen J. Field.

14. Nevins says that Alexis Godey picked up the first gold-veined rock and quotes a report of the discovery in the Trenton, New Jersey, *Daily True American*, November 13, 1849. Allen Nevins, *Frémont, Path-Marker of the West* (New York: D. Appleton-Century Company, 1939), p. 394.

15. Bosqui, *op. cit.*, p. 150.

16. Benjamin Parke Avery (b. in New York City, Nov. 11, 1828; d. Nov. 8, 1875) came to California on the ship *Orpheus*, arriving in San Francisco on July 8, 1849. He tried prospecting for several years, then became a druggist and storekeeper. In 1856 he started a Republican, anti-slavery newspaper, the *Hydraulic Press*, at North San Juan, Nevada County. In 1860 he moved to Marysville, where he and Noah Brooks started the *Appeal*. A year or so later he was elected state printer, and after two years in that office he moved to San Francisco, where he became one of the founders of the San Francisco Art Association, editor of the *Bulletin*, and, in 1874, editor of the *Overland Monthly*. He had not held that office long before he was appointed by President Grant minister to China, and he died in Pekin the following year. Bosqui, *op. cit.*, and *Dictionary of American Biography*, I, 443-44. See also *In Memoriam Benjamin Parke Avery* (San Francisco: Edward Bosqui, 1875). This collection of letters was edited by John S. Hittell.

17. The German was probably Henry Friedel, listed in Henry G. Langley, comp., *San Francisco Directory for the Year Commencing October, 1863*, as at 522 Merchant Street. The same directory lists "Buswell (Alexander) & Co. (Edward Bosqui) bookbinders, paper, rulers, etc. 557 Clay and 514 Commercial." The Directories for 1861 and 1862 had given Bosqui's occupation as "real-estate agent (residence Contra Costa)" and "drayage," respectively.

18. The three are: *Judicial Directory for the City and County of San Francisco; Custom House Regulations at San Francisco, California, February 1864;* and *By-Laws of the Guasaparis Mining Company, 1864.*

19. One of the best-known lithographs executed by the Bosqui Engraving and Printing Co. is the "View of San Francisco, Formerly Yerba Buena, in 1846-7," which shows the U.S.S. *Portsmouth*, and the transports *Loo Choo*, *Susan Drew*, and *Thomas H. Perkins* in the foreground.

20. *Illustrations of West American Oaks, from Drawings by the Late Albert Kellogg, M.D. The Text by Edward L. Greene. Published from Funds Provided by James M. McDonald, Esq.* (San Francisco, 1889).

21. This must have been the 80-page brief, *In the District Court of the Fifteenth Judicial District of the State of California, in and for the City and County of San Francisco. Samuel Brannan, Plaintiff vs. Central Pacific Railroad & Company*. On p. 65 is "By M. G. Cobb His Attorney," and below, an affidavit of Brannan dated 1870.

22. Brannan died at Escondido on May 6, 1889, according to the "Archives of the Society of California Pioneers," I, 120.

23. The San Diego *Union* of November 29, 1882, reported: "Rancho Santa Margarita y Las Flores, which was sold two months ago by the heirs of John Forster, to Richard O'Neill for a consideration of $250,000 has just been recorded in this county as sold by O'Neill to James Flood of San Francisco for the amount of $450,000."

24. Bosqui, *op. cit.*, p. 237.

25. Mrs. Henry S. Burton was the former Doña Amparo Ruiz, of Lower California, whose father and grandfather were prominent in the early history of the peninsula. Bancroft, *op. cit.*, II, 737.

26. Bosqui's children were: Laura E., Edward L., Helen (Mrs. Archibald Treat), Francis L., Calista (Mrs. Charles Spinney), Daniel V. A., Benjamin Avery, and Caroline (Mrs. Howard Davis). All of the daughters are still living except Laura.

A Doctor Comes to California

The Diary of John S. Griffin, Assistant Surgeon with Kearny's Dragoons, 1846-47

Edited by George Walcott Ames, Jr.

(Continued)

3d Dec. 9 o clock. This place of Warners is called the Aqua Calliente, there is a boiling spring heads just above Warner's house—it is a bold stream, there is a strong smell of sulphureted hydrogen, and where we are encamped there is a fine spring of cool, sweet water—this furnishes sufficient for stock & I suppose for irrigating the soil—The Ranch is some three miles distant from Warners house: about the house there is some ten or fifteen acres under cultivation, about one acre and a half which is a vineyard. We obtained some of the grapes dried—they were nearly as sweet as raisins & of fine flavour, & size—it is said wine in considerable quantities is made in this country. Warner has a small band of Indians about him, he uses these people for herdsmen and I suppose as servants generally; they are fine large, healthy looking fellows—and speak well for the salubrity of the climate. We also obtained some water mellons from the Indians—they are of good size—as to the flavour I cant speak, as I have not eaten of them yet. Last night we had a visit from an Englishman, by name Stokes,[64] who owns a Ranch some fifteen miles distant, he has remained neutral during the difficulties taking side with neither party. I believe he was a sailor—took a fancy for farming, at which he seems to have succeeded very well as he is represented as owning several Ranches, and some thousand head of cattle, he did not give much more information so far as I could learn than we had already obtained—he however consented to carry a letter to Comd Stockton at St Diego. This morning the Genl is sending back a party of our Mexicans to Capt Cook to pilot him across the Desert.[65] Lt Davidson has not yet returned with his party.

3d & 4th Dec. Lt Davidson returned about 1 P M. with some hundred young mules and horses, some of them had been broken and were fine animals, but the majority were perfectly worthless to us. We had them driven along however, as they can be made useful and they belonged to Flores, the rebel governor, Davidson also captured several guns, & lances, one very fine rifle. Upon the whole it was a very successful foray. The warm spring spoken of above was found to be of the temperature of 137° F—I saw some of the wheat produced on this Ranch—it was large grained, white and the bald headed, or beardless wheat We were told the produce was very great.

The man who had charge of the farm said he would sow 35 bushels, and expected to reap 1000—rather a large product I should suppose—Their mode of thrashing is rather primitive. We wanted some flouer. The man in charge therefore put all hands to work thrashing out. They rub the heads of wheat between the palms of their hands and winow it by letting it fall and blowing the chaff away with their breath and the wind—they grind between two stones, by hand. The quality of the ground is quite good—black but rather sandy. We marched about half past 8 A.M. continued down the vally, which we found to be beautiful—some of the most lovely scenes presented themselves that I have ever looked at—the live oak scattered about in the most beautiful clumps—stones of large size—and luxuriant grass— the day was most disagreeable, cloudy, and a drizzling beating rain all day—with a cold wind—in the evening we encamped at Stokes ranch—called St Isabelle. I believe this was an old mission or rather the Ranch of a mission called St Isabelle. We found the buildings here much better than at Warners—everything presenting a much neater appearance, the work no doubt of the priests—as usual the Indian village was near the house—these Rancheroes seem to live in fuedal style—each man has his band of Indian dependents—who are completely subject to his authority. Warners Major Domo told us he could raise 300 fighting men in a few hours. These Indians are peacible in their nature— their chief made a speech to the Gen^{l} last evening—in which he declared his wish not to engage in the war in any manner, but that he was perfectly willing to go to work. Of course this was what the Gen^{l} advised them to do, to keep at peace and work hard—and they would be well treated. They are certainly in a most miserable condition, worse by far than worst treated slaves in the United States. They seem to live on the offal of the ranches principally. Stokes seems to have a large stock, and his Major Domo—Seignor Bill—and old sailor promised to find us carts to transport our baggage to St Diego—this Seignor Bill treated us with the most distinguished hospitality giving a supper to the officers—turning out his mutton, grapes, and tortillas in great profusion. This was good, but his wine was abomnible.[66] Seignor Bill gave the Gen^{l} some information of a party of Mexicans at some mission on our road with some 500 animals. I should suppose we would try and capture these gentlemen The only game I have seen yet has been wild pigeons, hares, & Ducks—no great number of the first and last.

5th-6th, 7th, 8th, 9th, 10th, 11th On the morning of the 5th we marched from Stokes Ranch with Seignor Bill for guide, but bill having drank the night previous rather freely of his own or rather Stokes Liquor found himself very much in the humor for chasing wild horses the next morning, and a Band of mares presenting themselves Bill took after them got thrown and declared he would not go any further with [us]. At this the General demured, and mounted the Seignor with a couple of the guard by his side. Bill took us on the wrong rode once but soon corrected the mistake, in marching a few miles further. We met Capt Gallespies party,[67] from St Diago consisting of 35 men, and one small 4 lb Gallespie encamped his party soon after we met, and we passed on to a ranch [Santa María] some eight miles distant, there we found wood and water, but no grass. We had therefore to march two miles farther on where we encamped, in a grove of live oak but no water except that which was falling from the heavens—and the rain did come down most severely. A party of the enemy being reported in our vicinity—it was first determined that Capt Moore should take sixty men and make a night attack but for some reason the Gen^l altered his mind, and sent Lieut Hammond with three men to reconnoiter. Hammond found the enemy at some 10 miles distant, but was discovered—and as he ran off with his party the Mexicans gave three cheers—

6th—We were all afoot about 2 A.M. and expected to surprise the party of Mexicans, though we had been in the rain all night our arms were not reloaded, but boots and saddles was the word, and off we put in search of adventure, in two miles from our camp we met Gallespie with his company, which fell in[68]—in our rear— Major Swords was left back with the baggage, and thirty men. Another party some 10 or 15 men were left back with Gallespies four pounder. This reduced our fighting men to about 85 all told—with these and two howitzers we marched forward. The morning was excessively cold, and we felt it more as the most of us were wet to the skin. After passing over a mountain and travelling as near as I can judge some ten or eleven miles we came in sight of the enemys fires. We marched down the mountain so soon as we arrived on the plain the shout and charge was commenced from the advance. After runing our jaded and broken down mules and horses some ¾ or a mile, the Enemy fired on us. The balls whistled about most infernally for a while but the light was not sufficient, for me to distinguish any thing like a line of the Enemy, on my left however from the flashing of the guns I could see that there was a considerable row, and in a few moments the Enemy broke and, we found they had made a stand in front of a Ranchereo. This was called St Pasqual. At this time a fellow came dashing by, and I saw he was a Mexican several shots were fired at him when he fell I think as well as I could judge by the light, day was just breaking—it was Lt Beal[69] of the Navy who fired the shot. At this time another fellow came dashing by presenting with his hat &c a most Mexican look—when bang went a dragoon pistol—but missed another dragoon who happened to be near—drew his sabre and was about cutting the man down when I yelled out to him to stop as the man was one of Gallespies party—by this time we were very much disordered—our men some being mounted on fresh horses, and others on poor and broken down mules could not come. Capt Moor however ordered the charge to be continued and it was in the most hurly burly manner—not more than ten or fifteen men being in line and not over forty all together on they went however—the Enemy continued to retreat for about ½ mile further when they rallied and came at us like devils with their lances--being mounted on swift horses—and most of our fire arms having been discharged or missed fire from the rain of the night previous, our advance was perfectly at their mercy. The men wheeled, and by this time a howitzer being near rallied on the gun, and drove the enemy off—Hammond was the first wounded man I saw, he had been in the advance with Moore—and got a lance wound on the left side between the 8th and 9th ribs—I told him to go a little farther to the rear and I would attend to him. At this time I was sepperated from him—when the Genl saw me and told me he was wounded and wished my services, shortly after the devils got around me, and like to have fixed my flint—but I got off by dropping my gun which I snapped at a fellow and drawing an empty pistol—this answered the purposes of a loaded one--I then met Capt Galespie who told me he was wounded he was bleeding most profusely, the wound being in front directly over the heart. Capt Gibson next called on me and in a few moments I found I had my hands full. Capt Johnston who led the first charge was killed by a gun shot wound in the head. I was told this was the only man of ours who—received any injury from gun shot—Moor was killed far in the advance leading the second charge and Hammond I was told received his wound in attempting to rescue Moor—a man by name of [Frank] Menard, of Capt Emorys party was killed, one of Gallespies men, 2 Sergts—1 Copl and 11 privates of Dragoons and one missing—supposed to be killed—we lost one of our Howitzers in this action, the mules in it ran wild and ran off with the piece. There [were] but three men with it and one was killed and the other two desperately wounded—upon the whole we suffered most terribly in this action 4 officers wounded one Sergt. one Copl and 10 privates, and Mr Robedeaux our interpreter—in all 35 men killed and wounded and I should think there was not to exceed fifty men who saw the enemy[70]—We took two prisoners. The Enemy I think must have suffered as much as we did. This was an action where decidedly more courage than conduct was showed The first charge was a mistake on the part of Capt Johnston, the 2d on the part of Capt Moor. After the Genl was wounded and the men were rallied he was anxious for another charge but was persuaded not to risk it. We drove the enemy from the field and encamped. All that day was engaged in dressing the wounded. On the 7th we left again on our march. Small parties of the Enemy hanging about in sight all day. in the evening we passed the Ranch of St Bernard, and killed some chickens for our wounded and drove some cattle off with us. When we had marched some miles from the Ranch the enemy again appeared and made another rush, to occupy a hill, where they could annoy us. They got to the top of the hill about the time we got half way up when the fight commenced and after two or three minutes the rascals ran, leaving three of their spears on the field. We occupied these heights as a camp for that night on the 8th we saw some commotion on the plain—in a short time a flag of truce was sent to us by Picot the commander of the Mexicans,[71] with some sugar & tea—a change of clothing for Capt Gallespie—which had been sent to Gallespie from St Diago, and he had taken them with the prisoners The capture of these three men we now found out caused the commotion on the plain in the morning We exchanged our prisoner for one of the men taken, and learned from him that Commodore Stockton refused to send us a reinforcement.[72] The Gen^{l} then determined to march out at all hazzards but in a council of officers, the Navy officers pledged themselves so strongly that Stockton would send relief, and on account of the wounded, the Gen^{l} consented to remain— in the evening Lt Beal of the Navy with Carson started again as an express to Stockton.[73] We burnt all of our baggage so as to have as little encumbrance as possible, dismounted the men and determined to perform the rest of the march on foot. We left our camp on the battle field of the 6th with 6 ambulances with wounded. The enemy are constantly hanging around us but are very careful not to come within gun shot— 9th We remained in camp, nothing going on the Enemy perading about on the mountains and the other side of the vally—We are reduced to mule meat— it does not go so coarse—after all some of my poor fellows have as many as 8 wounds on a side 3 are run through the arm—generally—they seem to aim with their lances so as to strike a man near the kidneys.

10th Sergt [John] Cox died this morning his wound on the left side, just above the crista of the Illeum [ilium]—he had singultus [hiccups] for several hours before death and vomited bloody water. We remain in camp to day waiting in case reinforcements be sent, if they are not sent we march in the morning at all hazzards. On the evening of the 10th we were grazing our animals at the foot of the hill near our camp—when we saw the Mexicans driving a band of wild horses towards us. Capt Gilispie who has been in this country during the war, immediately told us what they were up to. Their plan was to run them full speed among our animals, and in that way to take off all we had— in half an hour we saw them coming full speed—the wild devils with sheep skins & other things of that sort tied to their tails, it certainly presented one of the most beautiful sights we had ever beheld—but as we were warned of their intentions, we were prepared. We waited a few moments so as to entice some of the rascals in gun shot if possible, and then quietly drove our animals out of the way throwing out a strong body of men to meet the rascals if they should come within reach of our guns.—by a shout the drove of wild horses were turned One mule however with a sheep skin tied to his tail was so imprudent as to come within gun shot, forty balls I was told struck him, yet he did not fall, and was finally driven on the hill where we were encamped and butchered. This was a god send to us as the mule was fat, and that which we had been eating was not equal by any means to stall fed beef. The Gen^{l} ordered all things to be in readiness for marching in the morning. We all went to bed firmly convinced that we should be obliged to fight our way to St. Diago. About 2 A. M. of the 11th our sentinels heard a body of armed men approaching they were hailed, and to our great joy found to be friends sent to our relief from St Diego. They mustered two hundred strong, 80 marines & 120 sailors.[74] We of course were delighted to meet our friends. We immediately vacated our beds and surrendered them up to our tired comrades they turned in and took a comfortable snooze, waked up and found some mule soup prepared for their breakfast. They turned out the contents of their haversacks which consisted of jerked beef & bread & we all made a first rate breakfast—The Jack tars seemed highly delighted playing soldier, they turned out their tobacco & provisions most liberally to our men, and did not seem to be discontented with any thing but the enemy, and with him they were decidedly in the humor for growling with because, he did not have the decency to give them a fight before reaching our camp. Early on the morning of the 11th we left camp and marched to the Ranch called *poneascitoes* [Peñasquitas]—little stones—the country was quite barren, that is to say, the soil would not have been called rich—yet it produced a wild oat in great profusion. The hill sides were well set, so well that they looked as green as a wheat field. The oat was just sprouting, and was some two or three inches above the surface. I examined the grain and it was nearly as large as our own oats, the straw very similar. We collected to day some hundred head of cattle in fine condition, and at the Ranch, picked up about one hundred sheep—We also found plenty of chickens, pigs & a barrel of wine. As this ranch belonged to a man who was notorious as an enemy, we made free quarters, and took everything we wished to eat, and the barrel of wine for our sick & wounded.[75] We had a plentiful supper, & laid down an took a good nights rest. Our two poor fellows who were in the litters suffered terribly from the roughness of the road.

12th—We all arose freshened with the idea of reaching St Diego to day, and thus finishing this long weary march. We left and marched in to St Diego about 4 PM, where we received the warmest welcome and kindest attention from our naval friends. I found every thing so far as it was in the power of the surgeons post prepared for my wounded men, and every attention that a warm and generous heart extended to the poor fellows. The Congress & Portsmouth were laying at anchor in the bay, & the town of St Diego garrisoned by the crew & marines from these two ships.[76]

13th—The hospitality of our naval friends has enabled us to get along very comfortably. We have no vegetables however and but little bread. A party has gone south to capture horses, so as to enable the force now at this town to move out and take the field. They have no means of transporting provisions or even hauling their artillery—no cavallry—and our broken down stock has added nothing to our forces. As soon as animals can be obtained it is understood that we take the field. My wounded are all doing well with the exception of [David] Streeter & [Joseph] Kennedy. The first has 8 wounds on one side one in the neck, five in the chest and one on each hip. The second is pierced through the arm, and has some five stabs with the lance on the left side of the head. I fear the skull is fractured, and inflammation of the brain developed from the symptoms. We had an alarm last night. scouts of the enemy seem to be in our vicinity all the time— in the evening two Mexicans came in, and reported that there was a party of some forty, who were anxious to deliver themselves up, that Picot & his party who were opposed to us in the fight had gone to the puebla de los Angelos—The ship Stoneington has taken a party to the South in lower California to drive up mules and cattle.

14th—Another alarm last night. 3 Mexicans seen by our outpost. fired at them, but did not hit. My wounded are all yet alive—but two Streeter & Kennedy, continue in the most precarious condition. Mortification has taken place near the wound on the left hip, & looks as if it were about to be developed on the right side of the spine—about the 6 rib—near one of the stabs in the chest suppuration is most profuse and the man is delerious. he suffered greatly until about 12 last night, since that time he has been at ease. Kennedy, is perfectly sensible when spoken to nothing like stupor, or delirium when spoken to—but if left alone he sleeps never speaks or complains, and mutters incoherently. He has had his head shaved, cold constantly applied to the scalp, low diet, & cool drinks & cup to the temples & nucha. This morning a blister was applied to the back of the neck. I had bled him twice, previous to our arrival at St Diego, purged him freely. in all my cases of wounded, my treatment has been to deplete as far as I thought it safe under the circumstances all bled profusely after they were wounded. The two Mexicans who came in yesterday reported, that St Barbara was taken by the Americans, and that the only place left the Mexicans in the country was the puebla.[77]—This report was not believed—as the only party who could have taken this place would be Fremont, and it is thought here that it will be two weeks yet before he reaches that town. I forgot to mention that some of our men, Capt Gelispie I think was told by a Mexican who brought the flag of truce the day after we encamped at St Bernardo, that Flores and all the principal leaders of the Californians were held by their party as prisoners, the people having no faith in their leaders. The two Mexicans who came in yesterday reported that Flores was marching with a force to attack this point —this I look upon as absurd.

20th Dec—Since I last wrote anything I have been constantly engaged with my wounded, and other duties. One poor fellow, Kennedy died last night. Upon an examination of the brain, there was found to be four punctured wounds penetrating through the bone, into the brain—driving the spicula of bone in front and wounding the meninges & brain— he has been comatose—for the last week—passing for the last few days his faeces & urine involuntarily—he did not seem to be sensible of any thing going on, and suffered but very little. We made free incissions, and exposed two of the largest wounds in the skull—extracted many spicula of bone. The other wounds had healed by the first intention, and it was not thought advisable to disturb them. The Trephine was proposed by myself to evacuate any purulent matter that might have formed on the brain and to extract spicula, but was objected to by the other gentlemen, on the grounds that all the indications were answered by exposing the wound, and extracting the spicula. There was no depression of the external table of the skull—and no spicula, could be discovered either with the finger or probe. Some days previous to death there was a discharge of purulent matter from the wounds of the skull which was promoted by poultices & warm fermentations. When we examined his brain today—we found nearly the whole left side softened—purulent matter formed almost down to the ventricles—and the meninges reddened and infected. Streeter is now improving slowly though he has suffered terribly. The abscess in the back was evacuated by a counter opening near the spine. The wound on the right hip near the sacrum mortified for a space two inches and a half in diameter, with excoriations runing down in the raphe near the anus, the slough begins to come away—and the abscess in the back to discharge much less—though even now he is bathed in the purulent discharge—he has colliquetive [colliquative] perspirations—but his appetite is good, the granulations under the mortified parts healthy—the other wounds in his body healing—and upon the whole I think he is improving—and if the sacrum does not become carious I have strong hopes of his recovery— he has had 10 grs. sul Quinine [sulfate of Quinine] 3 times per Diem. Brandy toddy, or sherry wine ad lib—nourishing diet, Beef steak &c and his bowels kept open with an enema his wound on the sacrum, has been dressed with but soaked in a weak solution of the Chlorid Soda—with light dressings of Emplast adhesive & cerat simp[78]—The other wounds dressed merely with Emplast adhesive & cerat simp—

All of my other cases are doing well—light dressings & cleanliness being all that was required, the majority of the wounds, have suppurated, but are healing kindly by granulation—I think the hard marching we were obliged to make after leaving the St Bernard injured the great majority of them, and I made another mistake in taking out my sutures too soon. I shall in case of having similar cases to treat let the sutures remain, as they have done no injury in any case where I have left them. The Gen^ls^ wound has almost entirely cicatrized—the punctured wounds through the arm have become better under the use of pressure judiciously applied—There is one punctured wound through the nates that is not improving so fast as I could desire.

As to the affairs going on generally I have not paid much attention to them. We have had many flags of truce and Mexicans coming in and delivering themselves up some the very rascals who were in the fight at St Pasqual.

They are well received and well treated. I fear from the way things are conducted that we are to have a second Florida business of it—We do not own at this present time more of California than we occupy with our forces, the enemy have the country and we have no communication with our friends in the north. The Sonoranians are runing off all the cattle and horses, and the fact is the country will have nothing in it after the war is over. Our General has no force at his command, and he seems low spirited. The Commodore speaks of marching on the Puebla, the head quarters of the Mexican force. This expedition is to leave the last of next week—it was first understood that we would go on the 22d but I suppose if we are off in five days thereafter we will do well. The party sent to the South for mules and cattle—under Capt Hensly [Samuel J. Hensley] of the California battalion returned this evening after making a very successful foray. I did not learn what number of animals he obtained—but all his men seemed pretty well mounted—

A few nights since some five hundred cattle were brought in, and a large herd of sheep— so far as beef and mutton go—we are in no fear of starving, though the animals may have that terror before their eyes—as there is little or no grass about—I visited the frigate Congress, a few days ago—a most elegant affair I found her to be. Was kindly and hospitably treated by the officers. Our Navy friends in fact wear well upon acquaintance. They are as kind and hospitable as it is possible for any persons to be, turn out any thing they have in the most liberal manner. Major Swords leaves in the morning to obtain supplies[79]—for the troops, we are much in need of Bread Stuffs, Sugar, Coffee, clothing, and in fact every thing, and our friends of the Navy are not greatly better off than ourselves. 4 oz of Bread is the present allowance of bread per Diem per man—no vegetables—Some of the dragoons begin to report sick with dysentery & fever. This is no doubt brought on in a great measure from eating too much & exercising too little—The water at this place is miserable—being brackish and it is said urinary calculus is common at this point—

A report reached our camp the other day that the Indians had killed eleven Mexicans,—that these fellows had first attacked the Indians taken their cattle, & horses, & killed some five or six Indians—that at night the Indians had surrounded their camp taken the party prisoners—then took them off to some distance and shot them to death with arrows. All tell the same story as regards the number killed but vary as to the manner. Those best versed in California affairs believe these men were killed in the action of the 6th and that the Mexicans complain of the red skins to conceal their own loss. They acknowledge 1 killed and 14 desperately wounded—After the action of St Bernard, I sent word to Picot that I would be most happy to attend to his wounded—he replied that he had none—it is now said that his men are in the greatest state of excitement against him for not accepting my services.[80] We have a report in Camp—said to be brought in by Indians that there are many

Americans with covered wagons near Warners Ranch if this should be so, it must be Cook with his Mormons, though I do not believe it possible for him to have arrived there yet.[81]

23^d.—The wounded have continued to improve. [Jeremiah] Crabb & [John] Brown, punctured wounds through the arm, had slight suppuration— poultices applied & the pressure of the Bandages taken off, has caused it to improve. Streeter is better. The discharge from the back is less or almost reduced to nothing no fluctuation to be discovered, and the wounds begin to close. The wound on the sacrum presents a healthy appearance, the slough is perfectly defined, and the granulations are full and healthy—The wound of the sacrum is dressed every day by filling the cavity with dry lint and placing over it lint spread with simp cerate and the Dressings secured with adhesive straps—The nourishing diet—& Quinine continued. With all he begins to Emaciate—& the night sweats continue—I forgot to mention that a portion of Kennedys brain—a piece near as large as a dollar—was in a gangrenous state—the temporal bone also blackened. One case of dysenteria and a severe case of fever. This is of a low character—with no well defined remissions, the pulse not hard or full—the stomach irritable and bowels torpid. We have but little bread only four ounces per Diem, no vegetables—but plenty of fresh beef & mutton. I fear dysentery with this diet—the garrison is in a wretched state of police—the quarters like all Mexican houses are ill ventilated, cold and damp. As to military affairs we had what I suppose was intended for a grand review yesterday—20 dragoons on horses that would not have been used for any thing else in the United States, but for wolf bait—some 80 or one hundred marines—some 40 volunteer riflemen, and some 40 Jacktars—all mounted on horses & mules. This presented certainly the most grotesque cavalry parade I have ever witnessed—All hands however got along remarkably well with their horses—except the marines They either had the luck of getting the worst animals, or were the worst horsemen—A horse occasionally would become a little restive and give a slight kick—and off would roll the marine, bayonet—& musket—then another would give a shake—and off would go another marine—then some poor fellow had been made to believe that he could ride—and in an evil hour had put on the long California spur, when by some awkward movement or other he would get the spur in the horses flank—The consequence was, the horse would commence going ahead—the marine would check him but continue to spur, then would commence a short scene of plunging and kicking—the Marine abandoning all holts, except the pummel and the spurs in the flank. The affair terminated as a matter of course by the marine being rolled in the dust—but they exhibited the best of game, for so soon as they touched the ground they commenced grabing in all directions for the creatures and one fellow caught his horses tail. They remounted again—and some got a second fall. After this exhibition I believe it was decided that the marines & Jack tars would be more effective troops afoot, and it was left to their choice which they would take—foot or horse service—and to their honor they preferred the foot. The Marines are a fine body of Infantry as good I should suppose as could be raised in the United States. They are well drilled, active, healthy young men —and the Jack tars are not to be classed as Infantry but as Artillery. Jack has no superior as to fighting—he dont know what back out means. They are in first rate discipline, and if they only had shoes, there is certainly no reason why they should not make first rate soldiers.[82] All are out drilling today. The big guns were fired yesterday—and every thing portends important events. It is said a Mexican arrived in camp this morning with the news that Fremont was at some Ranch near Santa Barbara. The ranch is called the Tejon—he is represented as having four hundred men & two hundred Indians —the Mexicans mustering some seven hundred. Before this time I suppose the matter has been decided one way or the other I hope that this will quicken our movements.

26th Several cases of fever have occurred within the last few days. One case Hmbkey [Conrad Hembkey] of C. Company 1st Dragoons, died on the morning of the 25th after an illness of only 4 days—he complained of great pain in the head—soreness in the chest, and bowels—the bowels costive, tympanetic [,] tongue foul, & coated, stomach irritable The pulse was never very full or hard, nor was there great heat of surface I thought I could discover a paroxysm towards evening, like an intermittent On the evening of the 24th his brain became affected and he died in a state of delirium early the next morning, his hands & feet were cold and covered with a clammy perspiration, the head & body of natural temperature. I commenced the treatment with an emetic—this caused the discharge of great quantities of bilious matter—but I think did harm by increasing the irritability of the stomach & tenderness of the abdomen. Mercury in form of blue mass—oil & sul mag. None of them seem to have a proper purgative effect. Enemas were no better —cups applied over the abdomen gave no relief. On the evening of the 23rd he took an anodyne and seemed better in the morning—When I saw him about 8 PM, on the evening of the 24, he was Delirious with cold extremities &c as has been described—Sinepisms—Terebinthenatic frictions—blisters to Temples—cups—Turpentine internally & in Enemas—external warmth &c were used to call the blood to the extremeties without effect.—There are two cases of the same fever now in Hospital—in both cases I have given mercurial purgatives followed up with Ol Ricini, V.S. and one suferer [?] being clear of fever I have ordered him Quinine Sul V grs, 3 times per Diem, commencing at 12 M. he thought he had a chill last night about 12 oclock, and complained of great head ache—but that passed off about ten. he now complains of the greatest pain in the chest. The other case Sergt [Richard] Williams still having fever this morning, V.S. cups to temples ℞, Cal [Calomel] v grs Ipecac v gr m [?] 3 times per Diem[83]

Streeter poor fellow still continues to suffer dreadfully, but upon the whole he is improving—the abscess in the back has ceased discharging and the wounds are nearly all closed—The mortified spot on the sacrum begins to fill with healthy granulations. The bone is exposed but up to this time no exfoliation he suffers most from an ulcer forming from pressure on the left hip— Every effort has been used to shield the part, and I hope we have succeeded by a dressing of lint confined by a broad split bandage. The other wounded are all doing well with the exception of Brown, who was punctured through the arm. This inflamed last night, the granulations becoming fungous-pitted all around the wound an incission was made with a lancet, pressure with a bandage & warm solut acet plumb constantly applied.[84] We have not much news, as to public affairs. We are drilling constantly, preparing for our march on the Puebla. Genl Kearny it is now said will take the command at which the naval gentlemen seem much pleased. On the night of the 24th the Commodore sent an express to Col Fremont, informing him of our intended movements— it is now said—the Commodore informed me of it—that we would have one hundred Indians to accompany us in our march. —A ship of War is now coming in, so we will probably have some news this evening[85]—we had a fine ball last night, quite a turn out of good looking women.

30th. Dec. On the 29th we left St Diego on our march against the Puebla de los Angeles, the head quarters of the Enemy—All told the army numbers some six hundred—consisting of the crews of the Congress, Frigate, Portsmouth & Cyane sloops of war, Dragoons, Volunteers and Californians.[86] The Quarter Masters department is rather in a dilapidated state, some ten carts drawn by oxen, of the poorest sort, the artillery six pieces drawn by very poor mules—our Commissary department consists mostly in fresh beef—and whatever else we can pick up along the route. Commodore Stockton is the commander in chief and, Genl Kearney has the immediate command of the troops. We had a late start and marched to the Soledad, it was nearly ten oclock when we got into camp— it rained like the devil, and we had wet jackets when we arrived in camp—On the 30th we started at 9 A.M., marched as hard as our poor devlish broken down animals could carry us—We passed by the Ranch called the Panischitoes, and camped on a creek the name of which I did not learn at some 3 miles distant from this Ranch—arrived late, consequently an uncomfortable camp—We heard from the Puebla today— it is said that Fremont is at Santa Barbara, with his force, that the Mexicans are in the greatest confusion, frequent assassinations &c—all of which is no doubt true, my sick men were left back at San Diego, the sailors stand the march very well, and will soon be good infantry it is said that we will have a fresh supply of horses and cattle tomorrow.

31st Dec 1846—This has been a beautiful day though the night was very cold, water freezing near the fire. The mountains at a distance covered with snow, the grass and wild oats springing up most luxuriently, and in a short time we will have fine pasturage, to night we encamped at the foot of the hill,—where we had the fight as we passed here, (I mean St Bernard [Bernardo Mountain]) I visited the place where we passed three very anxious days, every thing just as we left it, except poor Sergt Coxs grave the wolves had scratched down to the body, and eaten off part of his feet. The Californians I do not think had had any hand in it. We received report today that the Mexicans & a party of Indians had attacked the Indians about Warner's Ranch and killed some thirty of them.[87] These Indians are our friends, and have most certainly been encouraged to take up arms in our favour and I should think ought to be supported. The Commodore with his staff went up to the Ranch of St Bernard to spend the night, he took with him the marine guard, and one piece of artillery— it is said that there are now in our neighborhood some seventy Californians and 300 Indians in arms— This does not look much like Fremont was very near the puebla— Some little dysentery among the men, but generally they are healthy—

1st Jany 1847, This has been a most beautiful clear day—last night very cold—We passed over our old Battle ground near the Ranch of St Bernard—and at the Ranch found the marine guard drawn up. The commodore with his staff passed the night at the Ranch—and report says had a fine supper. The Commodore has the most enlarged view of the hardships of a soldiers life—he has a fine large tent well supplied with table furniture and bedstead, I am told—while our old Genl has nothing in the world but his blankets & bear skin—and a common tent—one pack mule for himself, Capt Turner & servant As for my mess it is a first rate one, Capt Gellespie being at the head of it, Emory, Capt Zeilin, Lt Renshaw,[88] of the Navy & myself. This is considered rather the crack concern in camp next to the Commodore's— We passed by a small Ranch called the buena vista & encamped near an Indian village called buena ventura.[89] The distance marched to day variously estimated from fourteen to sixteen miles. We received another message from Jose Antonio Picot (the brother of Andreas, the man who fought us at San Pascual) that he had horses for us at his Ranch but it is said that he has ten men at the same place waiting our arrival, so as to despatch them to the Puebla, that notice may be given of our approach— We saw a great many wild geese and a herd of antelope, one of which Carson killed. We have not much amusement on the march, but Jack tar, makes rather a queer Infantry soldier. The sailors begin to suffer much from sore feet. The most exciting scene we have is the lassoing of horses by the Californians. This we have frequent opportunities of seeing, as every horse we find that will be serviceable is at once seized upon, at night when we get into camp butchering comes on then the californians lasso the cattle throw them and in fact manage them with the greatest ease

2d Jany. Today we have marched some six miles only—and arrived at the Mission of San Luis Rey—this mission is situated in an extensive vally, with beautiful grounds, it is a most extensive building—the front being five hundred feet including the church, which is said to be beautifully ornamented, it was locked up and we did not see the inside of it—though some of the sailors did break in at the back window, and I am sorry to say removed articles, fortunately of little value, every effort was made to discover the sacriligious scamp but without avail— The rooms in the Mission are very comfortable, and many of them ornamented with rude paintings, some of saints, and others of birds, marvelously favouring a goose, the chairs are of the most capacious dimensions covered with dressed skins, the sofas also made of oak, and of like capacity with the chairs, the finest and most extensive vineyard olive garden, and pear orchard A great deal of land enclosed for gardens, the fences made of adobes covered with tyles, the lands well irrigated, and beautiful reservoirs for water. The internal face of the building is a square, about 300 feet on a side, with the corals—and what I took to be the quarters for the laborers on the right flank. There are collonades extending all around the four sides of the square.—The whole front from the church to the right, is a long row of collonades. The whole building presents a most grand appearance. it is built entirely of brick about eight inches broad and long, and some two inches thick—it is roofed first with reeds, then with some composition over that brick and earth, and covering all tyles, presenting very much the appearance of a flower pot split vertically and the bottom broken out, it is said that no less than 12,000 Indians were attached to this mission, they owned many Ranches, and the Padres clothed, fed and educated the Indians well, that all were happy. The missions were broken up in 1834, and their property seized and confiscated, the Indians driven to the mountains, or made slaves of. They have been constantly harrassing the Californians since. The Padres were said to have lived a most luxurious life, and were remarkable for their love to the most beautiful young Indian girls— A Mister Foster came in camp this evening and gave us some reports[90]—he says that Andreas Picot is at present the general of the Californians, that Fremont is reported to have left Santa Barbara last Sunday—and that Picot left the Puebla this morning for the purpose of giving Fremont battle, that the mexicans had some six hundred men—and they believed Fremont could not muster over two hundred— a party under Capt Hensley went over to Pieo Picot Ranch Santa Margarita, to obtain cattle and mules & if possible to surprise a small party of Californians, said to be there.[91]

4th [3d] Jany—Last night we were threatened with rain, this to us would be a serious misfortune, as we are badly provided with tents, not one half of the men could get under cover, the rains at this season of the year are extremely cold and disagreeable.[92] The men are generally in very fine health, a little dysentery being the only complaint— We made an early start from the Mission this morning, but in consequence of the broken country and bad state of the quarter masters department our progress was slow, and extremely laborious. Capt Hensly returned last night with some indifferent horses, and some forty fine [five?] oxen. Today we have been enabled to get two or three carts, which will aid us much in going ahead. We passed by an Indian village, some five miles from the Mission at I believe the lower end of the Ranch of San Margaritta—and encamped on a plain near the Ranch of Flores, belonging to one of the Picot family. Foster the Englishman, who brought us the reports yesterday of the movements of Fremont & the intentions of the Californians to march out and give him battle—is a Brotherinlaw of Picot. Andreas Picot by taking up arms has twice broken his parole, once given to Commodore Stockton and once to Capt Gilispie— he was told by doing so that he was risking all of his property and at the same time runing a reasonable chance of being shot or hung if taken. Foster says Picot believes the American government, will neither confiscate property—or shoot a man, though he may have violated the most sacred pledge— this I think is a misfortune, that our government has the reputation of exercising too much leniency. These fellows suppose that they can make war as long as it is convenient—and when they get tired of it—come in and be paid high wages for little or no services— This was too much the case in Florida and up to this time I have no doubt has been too much the case here.—The country begins to look beautiful, the young grass springing in all directions—the hills green with the wild oats—and some most beautiful flowers in bloom—among the rest I saw a beautiful variety of the pea, the bloom being red—and extremly rich— There is no timber except on the small streams, and then only a few sycamores.— the plains are covered with wild geese—white brant—& ducks. About 2 PM we had a view of the Pacific—and saw many whales spouting the water in the air—We are encamped within three quarters of a mile of the ocean. This evening a Californian who left San Diego with us by name Orsoona[93] came in camp. he reported that he had been taken prisoner by the enemy, had made his escape—and been pursued by them from the Mission of St John's to within a few miles of our present camp. It is believed by many persons in camp that these fellows make it convenient to be taken, and escape as it may suit their fancy. marched ten miles and a half—by measurement—

4th Jany—Some how or other I have missed a day in my reckoning, and lost a day, but it does not make much odds.[94] We left our camp early this morning, and would have been off at an earlier hour had not many of our artillery mules and oxen been absent, some 15 or 17 animals were lost.—We passed by the Ranch of Flores—quite an extensive concern, with a monument standing in front. This I suppose is a grave—and probably a bishop by the size of the cross— After leaving the Ranch, we had quite a rough road until we got near San Matteo [Mateo]—another Ranch of the Picot family—

after leaving San Matteo we struck the Sea Shore—through a pass that an army could have been cut to pieces—without the loss of a man, on the part of those who attacked. The bluffs were from fifty to a hundred feet in height, and nothing but a bird could have got from the Sea Shore to the hills—We had a party of Riflemen on the hills as scouts, but if they had been attacked by a large force, we could have afforded them no support— The sand in many places heavy and hard to pace through— We arrived in camp near the Mission of San Juan—at 7 PM— About 11 A.M. we received a flag of truce, borne by a German, an Englishman—named Workman—and a californian.[95] They bore a letter from Flores to the Commodore. Flores signed himself Governor, and Commander in Chief in California. They wished to open negociations for peace. The assumption of these titles seemed to enrage the Commodore who claimed the titles himself— he sent word back that he would have nothing to do with Flores—that he Flores, was a rebel, and that he would shoot him, if he the Commodore could only lay his hands on him— The envoys plead for the country— the Commodore said that if the people would come, and deliver up their arms that he might take into consideration any propositions they might make for peace—that he was not blood thirsty, but if he did not give up, that we had come to do our best and please God we would. Marched to day—19 miles.

5th We have marched 11½ miles to day, and encamped at the Ranch of los Alisos, or the Sycamores.—About two miles and a half from our camp of this morning, we passed the Mission of St John's *Clopestrano* [Capistrano], this Mission is situated in a most beautiful vally—with a fine runing stream near it, it is in rather a dilapidated condition, it is not so extensive as San Luis Rey—the church however must have been quite a handsome building—it is large two story high and well finished with cut stone arches over the doors windows &c—The cornice of the building was of fine cut stone—& the corners of the building the same. The rest of the building was of stone—and covered with cement & stucco work, the church is said to have been thrown down in 1822 by an earthquake—it is now used or has been for a stable. The building and Ranch all belongs to Foster the Englishman spoken of before. Foster told us that after the battle of San Pascual that the californians came to St Johns—that each man—told how many of our men they had killed individually—that upon computation taking of each man—they killed some 300 of our people. Of course the bragging must have been rare— We found here four Californians—who had been wounded in the action Foster also told us that these rascals after they had concluded to run—found some of our dead & wounded in the bushes, and actually stuck their lances in them, so that they might show blood on their lances. This is called fighting a civilized enemy, and we are not allowed even to take wood enough to make a fire, although our poor fellows suffer every night from the cold. We found many familys at the Mission—collected there since the war as a place of refuge.

Foster treated the Commodore very nice—had wine—apples, pears &c The apples I tasted—they wanted flavour and were extremely tough. There are extensive dams now standing used in irrigation and the vally seems to have been in a high State of cultivation by the Padres—but everything is now going to decay— This morning Mr. Workman the envoy from the Puebla again made his appearance in camp— after some talk with the Commodore —Commodore Stockton sent a proclamation to the Californians offering them peace—on the condition that they would give up Flores and disperse to their Ranches. This I am fearful they will do—come in with some cock & bull story of Flores having escaped—they will be believed—& the Californians will disperse—we will withdraw our forces—leave a small garrison—and the first time they catch us off of our guard, they will pitch into us again —and every thing will have to be done over again. The country passed over destitute of trees—plenty of wild geese—ducks &c— Snow on the mountains in our front—every thing green and Spring like around us, except the nights & they are devlish cold—

6th We have had a long tiresome march today—over a dead level—little or no Grass—but immense numbers of cattle in all directions, About 12 [?] M we passed the ranch of *Supelvera* [Sepúlveda]—to whom I believe all the cattle belonged— We have had a strong wind from the snow capped peaks in our neighborhood—cold and disagreeable. Our tents can hardly stand now, We have had many reports in camp—one that the forces at the Puebla would meet us tomorrow or the next day—the other that they had all left for the north to fight Fremont. We encamped at the town or Ranch of St Anna— Just before leaving camp this morning McNealy [John McNeilly] of Company C 1st Dragoons shot himself by the accidental discharge of his pistol—the ball cut the phalangial bones—near the 3d joint of the middle & ring finger of the right hand. Entered on the inner side of the little finger and passed out near the carpus on the out side of the little finger— The middle finger was amputated just below the joint & the ring finger at the joint— little or no hemorrhage—

7th We had a very disagreeable night of it the wind blew a perfect gale all night & kept it up until ten o clock to day. The dust was most distressing to weak eyes. We got corn for our animals.—The enemy made his appearance today for the first time—the rascals are much better mounted than anything we can muster, and they know it—the consequence is they are extremely impudent. to day they captured two of our vaccaroes [vaqueros] who were sent ahead, and also took Mr Foster our English *friend* prisoner. They however let him go again—as he made his appearance just before we got into camp. We had a report this morning that the enemy had eight hundred Indians in his employ—with which he intended to attack us— then again we heard that we should have a grand battle just before we arrived at the Ranch of los coyotes— This evening however the report is—that the forces 435—have left the Puebla to fight Fremont—that Flores with a small party—some forty strong has gone to lord knows where—that Andreas Picot is still in the Puebla—and that Ramon Corelea [Carrillo] is now in our neighbourhood, and that he is anxious to give up—if he can obtain forgiveness for his past sins—One of them—is only breaking his parole— this offense of a Mexican breaking his parole, does not seem to be looked upon as any great sin—Most of the leaders now in California are in the same predicament.—The rascals caught another of our vaccaroes out and struck him with the but of the pistol over the eye—knocked him down & I fear have fractured the poor fellows skull—The country passed over an extensive plain Just after leaving our camp this morning we crossed the Rio Santa Ana—a small stream sandy bottom & poor land—We encamped at the Ranch of los Coyotes—about 3 P M—

8th Jany. We left our camp this morning early. it was reported to us that the enemy would certainly give us a brush that they had crossed the San Gabriel in force with 3 pieces of artillery. We saw their scouts hovering about all day—About 2½ P M we arrived at an Indian village near the San Gabriel—here we saw more scouts— Our line of battle was formed—the Volunteer riflemen leading as scouts—then the Dragoons & Cyane's Musketeers—4 pieces of Artillery, Marines & sailors—baggage in the centre. Cattle & rear guard with two pieces of Artillery—As we approached the river the Enemy appeared in great force. Some hundred or so crossed the river & threatened our advance. These however, soon retired and took post on the opposite side of the river— As we approached they let fly grape at us—but it fell short— We advanced steadily—the Dragoons and Cyane's Marines supporting the two guns which were in the advance— two large guns followed supported by the Marines and Congress crew—in this shape we took the river ran the enemy off & made a lodgement under the first bank—We exchanged shots here with the enemy—and dismounted one or two of their guns— One of the guns that dismounted a gun of the enemy—was fired & armed by Commodore Stockton.—After firing a few shots from the first bank we made a rush at the second. The plain between the points must have been two hundred and fifty yards broad—Across this we charged under the full fire from the Enemy. When we got about half way across—we were threatened with a charge—but the Jacktars threw themselves in square, and drove them off with the greatest ease. We continued to charge at the hill, topped it & ran our friends the Mexicans clearly out of the field. Many of our men did not fire a gun. We lost one man killed—8 wounded—and one I fear mortally wounded by the accidental discharge of a musket, We lost 21 horses. These were lost by the volunteers, tieing them as they went in action and forgot all about them—until it was too late. [Jacob] Hait an Artillery driver was shot in the chest, and I think [it] is rather a serious wound, another man of the Savannah crew received several flesh wounds—the remainder are merely slight wounds from spent balls—with the exception of the poor fellow who was accidentally wounded—

9th Jany All lights were put out early in the evening—about 11½ we had an alarm and all hands turned out under arms. This morning a Mexican came galloping up with a white flag—this man we found to be [Lorenzo] Soto—a californian who had been sent out by the commodore some days before—he reported that Fremont was at San Fernando within eight leagues of the Puebla—that two American ships had arrived at Santa Barbara— all hands supposed as a matter of course that Fremont would press forward and that we would meet at the Puebla or near it in the evening. When we first left camp we saw but few of the enemy in sight—although he had encamped within a mile of us in the evening—As we proceeded—we saw him—in considerable force on our right flank—we exchanged shots with our artillery—What damage we did to him we know not. The only hurt we sustained, was one mule—one ox wounded one of our men, a sailor shot himself in the foot. [Mark A.] Childs a dragoon was shot in the heel of the left foot, the ball ranged up, and I think is lodged in his ankle joint, a sailor was shot through the fleshy part of the thigh. Capt Gilispie & Capt Rowan[96] were hit by spent balls—We advanced across a plain for two miles under fire from the artillery. We were obliged to march slow in consequence of the broken down condition of our ox teams—nor could we leave our baggage to charge their guns—which we could have captured with the greatest ease—as one—the heaviest—a nine pounder was drawn by oxen. The enemy drew up at some distance—out of gun shot—at open order—threatening our right rear—& left front—finally they made the rush, and got most terribly peppered. I saw several fall and several horses were killed after the charge. They seemed to be perfectly convinced that they could do nothing with us. They withdrew and marched for the town. We encamped—on the stream some two miles below the town— it is said yesterday as they were marching their forces to meet us at the crossing of the San Gabriel—they thought it impossible for us to cross the river in their face—They therefore argued the question whether they would cut us to pieces or allow us to surrender. Last night the poor fellow one of the Cyanes men, who was accidentally shot by one of the marines died.[97] Hait one of the volunteers, died just after we got into camp. This poor fellow crossed the mountains with us and—was an old dragoon. Our party who came from New Mexico, has been terribly cut to pieces—nearly one half of our number either killed or wounded.[98]

10th Jany. Last night we had an alarm in camp and all hands were up and in arms in a few moments—We encamped on the river about two miles below the town—there was no noise in the town everything as quiet as possible—occasionally a light was seen passing about, but no demonstration made on us—during the night a Mexican came in who had been sent in to observe what was going on, he however brought nothing in that I could hear of.

About 9 A.m. a flag of truce was sent to us, by the enemy, informing us that they would not oppose our entering the town—as they did not wish us to destroy the place.[99] We however marched up in battle array, every thing prepared for action, as we entered the town the music struck up—The hights immediately over the town was lined by the drunken rascals, who were threatening us with their guns. Of these however we took no notice, but marched on steadily, although I felt the greatest inclination to shoot a rascal who had a dragoon coat on, and took particular delight in showing it—Another rode in front of us, cursing & swearing at us, shaking his gun, and occasionally taking aim at us—but he would not fire— just before we arrived in the square, we saw one of the rascals strike a californian knock him from his horse run at the man, and attempt to lance him—it was the impression that the man who was getting the worst of it was one of our vaccaroes—instantly a man cried out shoot the damned rascal no quicker said than done. Out rushed several of the Cyane's crew and blazed away—two or three dragoons followed their example—a rifle shot or two followed, and upon the whole I think the fellow got well peppered. So soon as the man who was down got released, he jumped up and ran off with the rest—and so ended the row, except the old Gen^l pitched into the men for their bad conduct in fireing without orders, and for shooting so cursedly bad,—in not killing the scoundrel instantly— Two guns with some two hundred men were ordered to occupy the hill—immediately over the town—and the rest were quartered about the town—every thing went on quietly till towards dark, when it was found many of the men were becoming drunk, the assembly was immediately blown—the guard increased and every precaution used to preserve order. I got a very comfortable house for my wounded—but no furniture. All are doing well, except the poor fellow Childs who suffers dreadfully from his wound. The ball is clearly lodged I think in the tibea [tibia]—the hemorrhage was considerable after the wound—and a substance that I took to be synovia—one of the other medical gentlemen thought so likewise oozed from the wound with the blood—the inflammation or swelling is not very great—nor is there much fever up to this time— the man McNealy who shot himself in the hand is doing well. I dressed his wound this evening— It is reported in camp, that Picot will come in tomorrow—and that the enemy have gone to attack Fremont. They said that it was no use to attack us any more, that we could not be broken. They rode around our square looking for a weak point but it could not be found. They had signals to designate the point when found—but it was not given I suppose— They were utterly surprised at our crossing the San Gabriel in their face in the way it was done—and said that men who were capable of such actions ought not to be shot—They had five hundred horsemen to oppose us the first day and upwards of four hundred the second— their loss is variously estimated from 68, to some ten or twelve. All of our accounts are very vague and not to be relied on—

but I should think they must have lost many men. I saw them reel in their saddles from our discharge of musketry, and the rifles poured in the shot most beautifully on our right flank and rear which they attacked at the same time. They used musketry & grape

11th I have been engaged all day arranging my Hospital. I have not heard any thing that is going on, everything seems quiet, the citizens of the place do not so far as I can discover manifest very friendly feelings— Nothing heard from Fremont, last night there was a devil of a row among the men, liquor the cause of it all—although every precaution had been taken. An Indian was found dead this morning—how killed I do not know.

12th We still remain quiet. I have not been over the town yet, being so much engaged in arranging my Hospital. The wounded are not doing as well as I could wish. The bed clothing is scant—and they have nothing to lay on but the hard boards, and a blanket— Childs suffers considerably—his ankle swollen—and some fever— I gave him last night x grs massa ex Hyd, & ½ gr Tart Ant— during the night, I was obliged to Give him an opiate—this morning I dressed the foot applied a fresh poultice—and gave Sul mag ℥i. Tart ant i gr—m—^{100} this evening the salts had not operated and an Enema was ordered— [William] Cope's arm very much swollen and inflamed, he took blue mass & Tart Ant last night—had incisions made in the arm— he suffered much—till towards morning—When I dressed the wound this morning suppuration had been established—and the appearance of the arm decidedly better— he took salts & Tart Ant this morning—& was quiet this evening.—Yesterday a Sailor was prowling about, when he met a californian some place in the suberbs—the Sailor claimed the californian as a prisoner, and the Californian claimed the sailor as both were armed— the friends of either party who happened to be within hail—would have decided the matter— the Californian seeing a couple of his friends called upon them to take the sailor—When Jack up and put a musket ball through the gentleman—and that ended the business. We have many reports as to the movements of Fremont and the enemy.—Fremont is said by some to have turned back—by others to be at this time within 8 miles of this place some say that Flores has gone out to give Fremont battle, others that he is at the mission of San Gabriel—We see scouts on the hills near the town every day— A fort is about to be constructed on the hill immediately commanding the place. We had a report that American troops had arrived at Warners pass—if this be so it must be Captain Cook with his Mormons— A large quantity of Wine and Brandy of the country has been seized and placed in store—so as to keep it out of the sailors way— this is the chief point in California where all wine is made, and great quantities is made—it is of fine flavour, as good I think as I ever tasted. The white wine is particularly fine—The grapes are said to be delicious—and all fruits abound. I ate of a very fine orange—grown near this place—the climate is very healthy, and taking every thing into consideration, I think this is decidedly one of the most desirable places I [have] ever been at.

13th This has been a day of excitement, this morning a Californian presented himself with a despatch from Picot—signed by Fremont, the contents of this I learned, was on Fremonts part granting Picot permission to take his Picots wounded men in San Fernando— The inference on our part was that Picot and Fremont had had a battle, also a cessation of hostillities until this evening, and commissioners were to be appointed to arrange affairs between the hostile parties in the country— The bearer of the despatch was questioned as to whether there had been a battle between Picot & the Forces under Fremont—but he declared there had been no meeting— The whole affair was inexplicable—but it was believed by many that a fight had taken place and Picot, was anxious to keep us from knowing any thing about the matter—so that no forces would be marched out from this place. This evening Col. Russell & Mr. Talbot arrived in town from Fremonts camp[101]—They informed us that Fremont had had no fight, and was within a days march of the Puebla—that Picot would be in tomorrow to deliver up his arms—that a treaty had actually been entered in—between the parties, Picot agreeing on his part to deliver up all arms—with the exception of his officers—and immediately upon the reception of this news it was announced that despatches would be sent tonight for the U.S. Flores it is said has fled for Sonora—some say with forty, others with a hundred men— it is certain however that he will run off all the horses in the country, while he is about it—[102]

My wounded were much better this morning. The swelling and discoloration had in a great measure left Child's foot, the Poultice continued & Low Diet, tonight the poultice renewed, he however complains of intollerable itching about the wound—

On the day of the battle of the 8th I have understood from Lieut Emory, that Commodore Stockton was anxious to encamp on the opposite side of the San Gabriel, from that which we occupied after the action of the 8th—I was standing near the Genl—after we took the first bank of the river. Commodore Stockton I think had just fired a piece of artillery, which was supposed to have dismounted one of the Enemy's, when I distinctly heard the Genl say (he had a pistol in each hand at the time) now Commodore "I am ready for the charge"— in a few moments the column did charge—and took the second hight— I have understood since that Mr Southwick paced off the distance from the 1st to the 2d bank, and found it to be 900 paces & upwards—these I should say were extremely short paces—though a man is not a very good judge of distance when under fire—it did not look to me to exceed 300 yards—[103]

(To be continued.)

NOTES

64. Edward Stokes came on the *Fly* from Honolulu and settled in California in 1840. With José Joaquin Ortega he was grantee of the Santa Ysabel and Valle de Pamo or Santa Maria ranchos. Emory gives the following description of Stokes's dress: ". . . he appeared in our camp, presenting a very singular and striking appearance. His dress was a black velvet English hunting coat, a pair of black velvet trowsers, cut off at the knee and open on the outside of the hip, beneath which were drawers of spotless white; his leggins were of black buck-skin, and his heels armed with spurs six inches long. Above the whole bloomed the broad merry face of Mr. Stokes, the Englishman." William H. Emory, *Notes of a Military Reconnoissance, from Fort Leavenworth, in Missouri, to San Diego, in California* (Washington, 1848), 30th Cong., 1st sess., H. Exec. Doc. 41, p. 106.

65. Francisco, sent by Kearny from Warner's Ranch, reached Captain Cooke while the latter was with the Pima Indians.

66. C[harles] E[dward] P[ickett] says that this wine was the cause of the defeat at San Pascual. *Daily Alta Californian,* November 13, 1868. Archibald H. Gillespie makes a fervent denial of this charge. *Ibid.,* November 14, 1868.

67. Archibald H. Gillespie, of the Marine Corps, who had been sent to California by the Government as a special agent. His letters to the Secretary of the Navy make an interesting story of events in California. George W. Ames, Jr., ed., "Gillespie and the Conquest of California," this QUARTERLY, XVII (June to December 1938), 123-40, 271-84, 325-50. Gillespie had been sent by Stockton to meet Kearny and advise him to attack the enemy.

68. Gillespie and his command had received permission to encamp two miles from the Dragoons, where there was a stand of grass for their animals.

69. Edward F. Beale, lieutenant United States Navy, a member of the Gillespie party from San Diego.

70. Bancroft cites the different opinions given as to the number of killed and wounded at San Pascual. He, himself, follows Griffin's Journal and notes. Bancroft, *History of California,* V, 346.

71. Andrés Pico, brother of Governor Pio Pico, was left in command by the flight of José Castro. When revolt broke out in the south in September of 1846, he was third in command under José María Flores. Upon the flight of Flores, after the battles in January 1847, Pico was again in command and surrendered to Frémont.

72. The three captured by the enemy were the Alexis Godey party which had been sent to San Diego after the battle to report and request reinforcements. The prisoner exchanged was Thomas H. Burgess. There seems to be some question concerning the letter from Stockton carried by Godey. According to Emory, Burgess reported hiding the letter under a tree, but a later search revealed that the message had been removed. Emory, *op. cit.,* p. 110. There is among the Abel Stearns papers in the Huntington Library, a letter purported to have been written by Stockton, saying that he has no mounts for his men and therefore cannot send a relief expedition. However, the signature is not in Stockton's handwriting. A note, added later, says in part: ". . . the letter was found by an Indian and given to Don Juan Bandini." At any rate, Burgess must have reported that assistance was not forthcoming or the officers would not have considered it necessary to despatch a second party to San Diego.

73. Carson and Beale were accompanied by Beale's Indian servant. Descriptions of their hazardous journey are given in several places. For an accurate account see Edwin L. Sabin, *Kit Carson Days* (New York, 1914), pp. 536-39.

74. This force under the command of Lt. Andrew F. V. Gray left San Diego on December 9, 1846.

75. This was the ranch of Francisco María Alvarado, who the United States troops considered had forfeited all rights by breaking his parole.

76. The *Congress* had arrived on October 31, 1846, and the *Portsmouth*, on December 9.

77. A rumor. Frémont did not arrive in Santa Barbara with his battalion until the 27th. John Charles Frémont, *Memoirs of My Life* (Chicago and New York, 1887), pp. 599-600. This is a good example of the constant rumors which were flying around and which kept the United States troops at nervous tension.

78. *Chlorid soda* is common salt. *Cerat simp* is simple cerate—a salve, or ointment.

79. Major Swords was dispatched on December 21, 1846, in the trading ship *Stonington* to the Sandwich Islands.

80. The Californian loss is still a matter of speculation. The Americans tended greatly to exaggerate the number of the enemy killed and wounded. Kearny's statement that there were six dead and wounded left on the field is unsupported by any evidence. Stephen Watts Kearny to Roger Jones, San Diego, December 13, 1846, 30th Cong., 1st sess., H. Ex. Doc. 1 (1848), 514-16. Griffin, on January 5, mentions finding four wounded Californians at San Juan Capistrano, supposedly victims of the battle of San Pascual. On the 14th he makes the number six. In any case it is reasonable to surmise that the Californians escaped very lightly.

81. Captain Cooke arrived at Warner's Ranch on January 21, 1847.

82. The lack of shoes was a problem when the sailors were forced to make long marches. Stockton remarks, "Our men were badly clothed and their shoes generally made by themselves out of canvas. . . ." Robert Field Stockton to George Bancroft, San Diego, February 5, 1847, Pacific Squadron Letters, Commodore Stockton's Cruise, June 1846-February 1847 (original MSS in Office of Naval Records and Library, Washington, D. C.).

83. A *sinapism* is a mustard poultice. *Terebinthenatic frictions*—turpentine rub. *Ol Ricini* is *Oleum Ricini* or castor oil. *V.S.* probably stands for V.S. cups (or cup) which are applied without previous scarification. *Quinine sul.* is quinine sulphate. *Gr.* is the abbreviation for grains.

84. *Acet plumb* is acetate of lead.

85. The *Cyane* came into San Diego harbor on the 26th.

86. Bancroft gives in detail the composition of the force and states that the total number was 607 men, of whom 44 were officers. Bancroft, *History of California*, V, 385-86.

87. The Pauma massacre in which eleven men were killed by Garra's band of Cahuillas and fugitive ex-neophytes of San Luis Rey. William Marshall, who was said to have instigated the affair, was afterward hanged for the offense. *Ibid.*, p. 567.

88. Jacob Zeilin, lieutenant of Marines on the *Congress* and acting captain in Stockton's battalion. William B. Renshaw, lieutenant in the Navy and acting captain in Stockton's battalion.

89. The camp was at Buena Vista.

90. John Forster, an Englishman, who had married into the Pico family.

91. Santa Margarita belonged to former governor Pio Pico. Hensley's mission was at least partially successful, as he returned next day with some horses and forty or forty-five oxen.

92. In this regard it is interesting to note William H. Meyers' sketch of the camp at San Gabriel. He depicts most of the tents as being of the A type. The camp is generously posted with sentries. William H. Myers, *Naval Sketches of the War in California* (New York: Random House, 1939), Plate X.

93. Probably Juan María Osuña.

94. The good doctor really did not lose a day but merely misdated January 3, calling it the 4th.

95. The messengers were Charles Flügge, William Workman, and Domingo Olivas.

96. Stephen C. Rowan, lieutenant in the Navy and acting major in Stockton's battalion.

97. Thomas Smith, ordinary seaman, Co. D. He was shot through the hip by accident.

98. The authorities do not agree on the number of casualties for the battles of the 8th and 9th, but Griffin was in a position to know. An easily obtainable list is given in Edwin Bryant, *What I Saw in California* (Santa Ana: Fine Arts Press, 1936), pp. 385-86.

99. The flag of truce was borne by William Workman, Eulogio Célis and Juan Avila.

100. *Massa ex Hyd* [*hydrargyrum*]—a pill of mercury. *Tart. Ant.* is antimony tartrate; *Sul. mag.* is magnesium sulphate or Epsom salts; ʒi—the doctor's symbol indicating two tablespoonfuls. The small letter "m" possibly indicates that the dose was given in the morning.

101. William H. Russell, who served as ordnance officer with the rank of major in the California Battalion, and Theodore Talbot, one of Frémont's original party, who served as lieutenant and adjutant of the California Battalion.

102. Flores resigned his command to Andrés Pico on January 11 and started that same night for Sonora. Bancroft gives the text of the Flores resignation as well as details of the flight. The number of men accompanying him was approximately thirty-six. Bancroft, *op. cit.*, V, 403-4, 407-8.

103. John Southwick was carpenter of the *Congress* and served as captain and chief engineer in Stockton's battalion. Griffin's point here is hazy. He is undoubtedly answering some current question but has failed to give the reader the entire context. It may refer to the controversy over leadership which occurred between Stockton and Kearny, or possibly to the question of Stockton's marksmanship.

A Diplomatic Incident on the Little Mariposa

By GEORGE COSGRAVE

THE BELIEF that none but citizens of the United States had the right to dig gold on the public domain in California was widely held at the beginning of the gold period. It had to a degree been encouraged in official circles. But when Governor Bennet Riley made his tour of the gold region in the summer of 1849, his opinion was solicited, and that astute official expressed the belief that no one, native or foreign, had any legal right to dig gold on the public lands. He stated, however, that until the paramount authority, the Government of the United States, should take some action in the matter no one would be molested in his mining operations nor would any one group be permitted to monopolize the mines to the exclusion of any other; they would be subject, however, to reasonable local regulations.[1]

The first legislature nevertheless, on April 13, 1850, passed the oppressive Foreign Miners' Tax Act imposing a tax of $20 a month on all non-citizen miners;[2] it was found ill-advised and was repealed the next year.[3] In 1852 a more moderate tax of $3.00 a month was levied,[4] which was increased the following year to $4.00. Although few collections were ever made except from the unresisting Chinamen, this statute, frequently amended, remained on the books for some time.[5]

Not infrequently the local population of the diggings saw fit to enforce their own ideas with respect to the foreign miners, as in the incident hereinafter described. The Mexican miners—Mexicans as distinguished from Californians—were early in the gold region. Coming largely from the State of Sonora, they were already familiar to a degree with mining methods. They were not slow to realize and grasp the rich opportunities that lay in the untouched land, and in some of the most productive areas, notably Carson Creek, Murphys and Sonora (first called Sonorian Camp) they were first on the ground.

When the population of the Little Mariposa Creek (a locality about four miles southwest of the present town of Mariposa) concluded themselves to pass upon the rights of the Mexican miners, the Mexican Minister at Washington, Don Manuel Larrainzar, complained to the Secretary of State, William L. Marcy. Mr. Marcy thereupon instructed the United States district attorney of the Northern District to investigate, and, if he should find that Mariposa was in the Southern District, turn the letter of instructions over to the United States attorney in that District, who would investigate the matter and report. Isaac Stockton Keith Ogier was the attorney of the Southern District. He resided in Los Angeles at the time but made the trip to Mariposa in the fall of 1853 and forthwith reported the result to the Secretary of State.[6]

Certainly nothing could be fairer than the course pursued by the Americans if we eliminate the Mexicans from the situation. Animated solely by the patriotic motive of protecting the public lands from spoliation by obnoxious aliens, they drove out the Mexicans, forbade their return on pain of hanging and then proceeded to auction off the claims to the highest bidder. As an example of probity and business rectitude to the fleeing Mexicans, who by this time were "beyond the mining regions," they paid the current bills of the latter, divided the substantial sum remaining among those present and then blamed it on the Irish.

Ogier's report to the Secretary of State follows:

U. S. Dist. Attorneys Office
Los Angeles, Cal.
Nov. 15th, 1853.

Sir

In pursuance of the instructions contained in your letter to me of the 16th of July, I have made as thorough an investigation of the occurrences complained of in the communication of the Mexican Minister at Washington, to the Secretary of State, as the length of time which has elapsed since their occurrence, and the continual change of population in the mining [region] which was the scene of them, would permit—

As regards the occurrences for an account of which, Mr. Larrainzar refers to the "Times newspaper of San Francisco, of Jany 31st, the Herald of the 16th Feby, published in the same City,[7] the New York Herald, and other public journals" I have been unable to make any investigation, as the journals referred to could not be obtained here, and consequently, I had no data upon which to base enquiries—

In regard to the occurrence stated to have taken place on the 23rd of June 1853, in the County of Mariposa, I have collected the following information, which is sustained in substance by the affidavits of Nelson Pepper and John Bolling the then Sheriff of that County[8]—

It appears that during the winter and spring of 1852, a number of Mexicans and other foreigners from ten to fifteen in number engaged in gold digging, on the Mariposita Creek, in the County of Mariposa; among the party, was one named Raymundo,[9] who I presume to be the person named in Mr. Larrainzar's communication; they had taken up claims in accordance with the regulations established by the miners, on that subject "in absence of any law" and had been at work upon them for some five or six months; during which time, they had had frequent disputes with our own citizens who were mining in the same vicinity, the latter contending that the foreigners had no right to work in the gold mines, these disputes eventually terminated in the expulsion of the foreigners from that section of the country—

According to the statement of Mr. Boling, he was waited upon some time in June 1852, by one of a party of foreigners, and informed that the American Miners on the Mariposita, had held a meeting at which it was determined to expel the foreigners from the mining region, and he as Sheriff, was called upon to exert his authority in their behalf; he as he states in his affidavit went to the spot and found that the Americans had posted notices on trees around the foreign miners camp, requiring them all to leave within twenty four hours under penalty of being hanged; the time had expired when he arrived on the spot and he found assembled some twenty or thirty persons calling themselves American Citizens, who were all armed and determined upon driving the foreigners away, he it seems went among them and expostulated with them, and finally succeeded in obtaining a promise from them to desist from their unlawful purpose, until it should be decided by the proper authorities wether or not the foreigners were entitled to dig gold; this was upon condition that the Mexicans & other foreigners miners should go no further with their work until the matter was decided. He then went to the Mexican Camp and after some little time induced them to consent to the arrangement; having as he supposed, arranged the matter satisfactorily, he started on his way to his place of business, but in passing the American Camp, he was told that they had changed their minds, and were determined that the foreigners should leave, he then fearing a serious difficulty as he stated to me, informed the Mexicans of what the other party had told him & advised them to abandon their claims and leave the county—

The Americans postponed their attack until the arrival of some reinforcements for which they had sent to the neighboring camps and which they expected to arrive the next morning. The foreigners being informed of these facts, left the diggings during the night, taking with them all their mining implements and other movable property. Mr. Boling states further that he went back to the Mariposita next morning where he found about an hundred persons (professing to be American Citizens) assembled & all of them armed, but the Mexicans having left, and thinking nothing further would be done, he returned to his home.

He states that he was well acquainted with the claims from which the foreigners were expelled; and that there were no permanent improvements upon them, that they were afterwards worked out and did not produce more than eighteen hundred or two thousand dollars, that the foreigners left no other property behind them, except a small garden which he supposes to have been worth four or five hundred dollars.—

The Affidavit of Nelson Pepper is substantially to the same effect; he says that the claims were put up at auction by the crowd assembled and sold for thirteen hundred dollars, and the proceeds applied to paying a debt of some three hundred dollars due from the foreigners to a trader in the vicinity, and the balance about one thousand dollars was divided among those assembled, he further states that a party was organized who followed the foreigners until they were beyond the mining region—

I could learn of no application having been made to any magistrate of the County, or other person in authority, for protection, other than that stated by the Sheriff to have been made to himself—

I learn from persons who were residing in the neighborhood at the time, that the Americans alledged as a reason for expelling the foreigners, that they had committed frequent thefts and were a bad set of men, there is however no proof of this—and from general report I am induced to believe that the majority of those engaged in the affair were foreign Irish and Englishmen—and that it was in a spirit of wanton maliciousness that the outrage was perpetrated.

I have been unable to identify Mr. De la Motta and his companions, with the party of foreigners alluded to in this report with positive certainty, but as both Mr. Pepper and Mr. Boling state their occurrence to have taken place about the same time and at the same place as is stated in Mr. Larrainzar's communication to the Department of State, there is every reason to believe that they are the same party—

Admitting Mr. De la Motta's and his companions losses, from these occurrences, to be a proper subject for reclamation from the General Government, I can find nothing upon which to base a claim for twenty thousand dollars. There were no permanent works created upon the claims, nor did the system of mining pursued by foreigners as well as Americans in that section, require any such works, the earth was dug up and washed either in an ordinary rocker or a Tom, and all the apparatus for working such extent of ground as eight or ten miners claims (according to the regulations established by the miners) would cover, could not have cost more than One thousand dollars, but according to the testimony of Mr. Boling & Mr. Pepper and the General knowledge of those who lived in the vicinity, the foreigners carried off all their apparatus and implements with them.

That the party could have been at work, as is stated in Mr. Larrainzar's communication, several years upon the identical claims from which they were expelled is merely impossible—had they been they must [have] penetrated the earth over one hundred feet, even had they washed every bushel of earth from the surface to the bottom, but such was not the case, the claims are still open and abandoned, as being exhausted, and yet they are not over from twenty to thirty feet deep. Such I judged to be their depth when I visited them a few days since. It is highly probable that Mr. De la Motta and his companions may have been at work in that region of country for several years, and on those claims for a few months, and no doubt took a considerable quantity of gold from them, but it is not charged that they were robbed of gold they had already obtained, nor is there any reason to believe that they were—so that I feel confident, they could not have inccurred any greater loss than the value of the claims as stated by Mr. Boling and of the garden—

In reply to that part of your letter stating, that, "it is understood that the Legislature of California has made provision for remunnerating such losses as "foreigners residing in that State have suffered from Mob violence," I have to state that no such provision has yet been made by the Legislature of California.

To the	Very Respectfully,
Hon. Wm. L. Marcy	Your Obdnt Servt.
Secretary of State	Isaac S. K. Ogier
Washington	U. S. Dist Attorney
	Southern Dist California.

NOTES

1. Bennet Riley, brevet brigadier general U. S. Army and governor of California, to Major General R. Jones, adjutant general of the Army, Monterey, August 30, 1849, in 31st Cong., 1st sess., H. Ex. Doc. 17, pp. 785-92.

2. *Cal. Stats.* (1850), 221.

3. *Ibid.* (1851), 424.

4. *Ibid.* (1852), 84.

5. A discussion of the Foreign Miners' Tax is to be found in Carl I. Wheat, ed., " 'California's Bantam Cock': The Journals of Charles E. De Long, 1854-1863," in this Quarterly, VIII (December 1929), 353-55.

6. Carl I. Wheat is to be credited with the discovery of this letter in the National Archives. Several letters relative to the treatment of Mexicans in California had already passed between Minister Larrainzar and Secretary Marcy. See William R. Manning, *Diplomatic Correspondence of the United States: Inter-American Affairs 1831-1860* (Washington: Carnegie Endowment for International Peace, 1937), IX, 129-30, 133-34, 568-70.

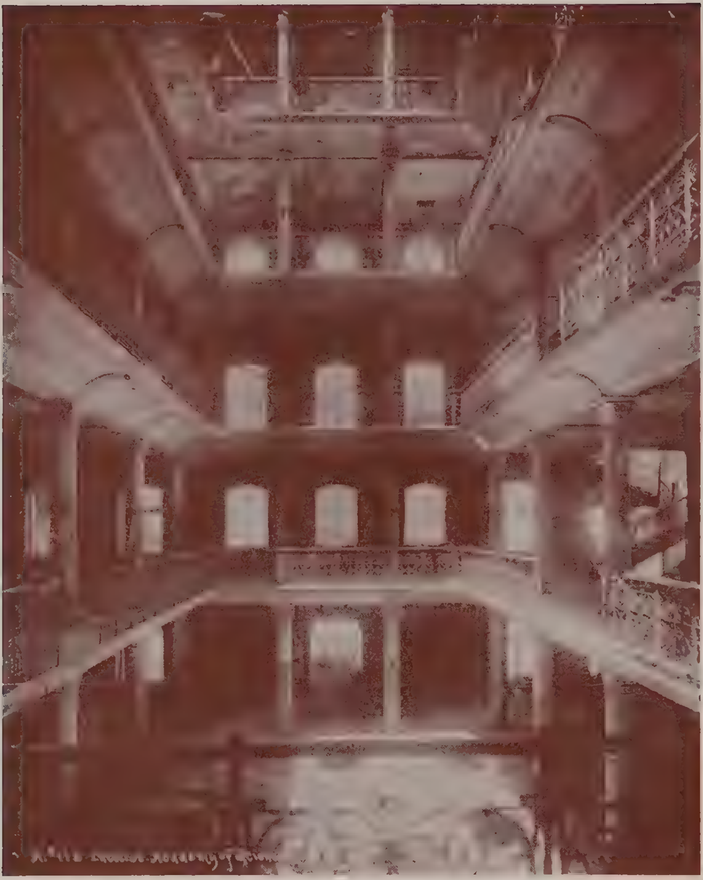
7. "There has been great excitement in Calaveras County. . . . A band of Mexican marauders have infested the neighborhood, committing all manner of enormities. The robber Joaquin is at the head of these desperadoes, and has become the terror of the country. . . . The miners have assembled in force and commenced a systematic search. Joaquin has eluded all attempts to capture him. . . . The entire Mexican population has been driven from San Andreas and the Forks of the Calaveras. Mass meetings have been held and resolutions passed approving of the work of extermination. The utmost consternation prevails amongst all foreigners." San Francisco *Daily Herald*, February 16, 1853.

8. Captain John Boling had been commissioned by Governor John McDougal for service under Major James D. Savage in the Mariposa Indian war of 1851 and was one of the discoverers of the Yosemite Valley.

9. Called Raimundo de la Mota in Larrainzar's letter to Marcy of May 3, 1853. Manning, *op. cit.*, p. 568.

THE AUTHOR

Hon. George Cosgrave, of Fresno, was made United States district judge of the Southern District of California in 1930 and is now retired. He was born in Calaveras County, the son of Michael and Margaret (Pyne) Cosgrave, attended the San Jose State Normal School, 1887-89, and was admitted to the California bar in 1895. Articles by Judge Cosgrave were printed in the March 1938 and June 1941 issues of this Quarterly.



INTERIOR OF CALIFORNIA ACADEMY OF SCIENCES

After the San Francisco Earthquake and Fire of April 1906

From a photograph belonging to Miss Frances M. Molera.

The California Academy of Sciences and the Early History of Science in the West

A Paper Read at the Meeting of the California Historical Society on November 17, 1942

By Robert Cunningham Miller

IF, through necromancy or sudden conquest of the fourth dimension, a San Franciscan of today were able to project himself backward through time to a corresponding date in 1853, he would discover similarities between the past and the present quite as interesting as the contrasts. He would find himself in a bustling metropolis of fifty thousand people, hardly one-twelfth as large as the city of today, but nevertheless burdened with problems of housing and transportation. The clothes, the efflorescent whiskers, the abundant firearms he would take in stride as the recognition-marks of a cherished tradition. To be oriented geographically he would have only to stand on Montgomery Street, then as now a major thoroughfare, and look north toward Telegraph Hill. Economically he would be quite at home; bricklayers, stone-masons, and ship-carpenters in 1853 received $10.00 a day; turkeys cost $5.00 to $10.00 each, and chickens sold for $2.50 to $3.00 apiece. If he desired entertainment, he might attend any one of nine theatres, including a German, a French, a Spanish, and a Chinese one. If he sought intellectual adventure and a knowledge of the world around him, he could then as now attend a meeting of the California Academy of Sciences.

It was on the evening of the fourth of April 1853, that seven men picked their way over the cobblestones of one of San Francisco's two newly paved streets to an office at what was then 129 Montgomery Street, to discuss the formation of a society for the promotion of science. Those present at this first meeting were Dr. Andrew Randall, Dr. Henry Gibbons, Dr. Albert Kellogg, Col. Thomas J. Nevins, Dr. John B. Trask, Dr. Charles Ferris, and Mr. Lewis W. Sloat, in whose office the meeting was held. Those were stirring days and these were men of action. Without further delay an organization was effected with Dr. Randall as chairman and Mr. Sloat as secretary, a committee was appointed to draw up a constitution, and a name was decided upon, "The California Academy of Natural Sciences."[1]

At the following meeting on April 11, the committee on organization presented an eloquent if somewhat verbose statement of the advantages to be derived from the study of the natural sciences, of which the concluding paragraph reads as follows:

> We have on this coast a virgin soil with new characteristics and attributes, which have not been subjected to a critical scientific examination. Sufficient, however, meets the eye of the naturalist to assure him that this is a field of richer promise in the department of natural history in all its variety than has previously been discovered. It is due to science; it is due to California, to her sister states, and to the scientific world that early means be adopted for a thorough survey of every portion of the State and the collection of a cabinet of her rare and rich productions.

Thereupon the meeting took up and discussed the proposed constitution section by section and recommended certain revisions. At the same meeting a committee was appointed to draw up a set of bylaws, another to draft a circular for publication, "detailing the objects of the association and specifying the subjects of collection and investigation, and soliciting the cooperation of all interested in the objects of the association." Still another committee was appointed to publish the report of the committee on organization.

On May 16, after at least two meetings in the interim, a constitution and bylaws were formally adopted, the membership in the meantime having increased to about twenty-seven. On May 23, officers were elected, Dr. Randall being confirmed in the office of president to which he had been more informally elected on April 4, and on June 27, 1853, the Academy was legally incorporated. All of the meetings following the first seem to have been held at what is now 622 Clay Street, in the office of Colonel Nevins, San Francisco's first superintendent of schools.

It is worth our while to consider for a moment what manner of men these were, meeting in a dimly-lit room in what was then one of the far-flung outposts of civilization and calmly undertaking so ambitious a project. Lewis Sloat, a son of Commodore John D. Sloat, commander-in-chief of United States Naval Forces in the Pacific Ocean, had accompanied his father when the latter entered Monterey Bay in July 1846. Apparently California had a strong appeal for the young man, for he returned the following year and soon became engaged in business in San Francisco as a notary public, commissioner of deeds, and member of a real estate and brokerage firm.[2] Colonel Thomas J. Nevins was superintendent of schools in San Francisco from January 1852 to October 1854. Of him, nothing more fitting can be said than is inscribed on his simple monument in Lone Mountain Cemetery: "The Board of Education and Citizens of San Francisco unite in erecting this monument to his memory as the Founder of Common Schools in this City and State, and as the first Superintendent of Common Schools in San Francisco."

The remaining five of the seven founders of the Academy were doctors of medicine. It must not be supposed, however, that the early meetings partook of the nature of clinics. It is necessary to remind ourselves of the character of the educational system of that day. Although American universities were already two centuries old (Harvard having been chartered in 1650), their curricula still placed emphasis on theology and the classics. Medicine was the first science to obtain standing as a proper objective of higher education. Thus it came about that in the first half of the nineteenth century any young man interested in any phase of science had little recourse except to study medicine. It is not surprising, therefore, to learn that Albert Kellogg, M.D., became a botanist of great activity and renown, that John B. Trask, M.D., became California's first state geologist, and that Henry Gibbons, M.D., took up meteorology and was the first person to preserve scientific records of temperature and rainfall in the state.

Of Charles Ferris, M.D., we have little knowledge except that he was present at the first and third meetings of the Academy, and that on July 11, 1853, he was transferred to corresponding membership because of his leaving the state.

Andrew Randall, M.D., came to California as a gunner on the U. S. sloop-of-war *Portsmouth* and was present when Captain John B. Montgomery, accompanied by seventy sailors and marines, landed and marched to the Plaza, hauled down the flag of Mexico and raised the flag of the United States (July 9, 1846). Dr. Randall had an office at 134 Clay Street and lived at the Niantic Hotel. Of his character and personality we know only what may be deduced from meager records. His selection as chairman of the first meeting and his subsequent election as first president of the Academy indicate that he was a man of personal force and qualities of leadership. His reelection to the office of president in 1854 and 1855 testify to the esteem in which he was held by his associates. His practical interest in science is attested by the fact that, at the meeting of July 18, 1853, he is recorded in the minutes as having "read a paper offering a reward for certain essays on trees." An essay contest was accordingly held, and at the meeting of January 2, 1854, a committee of judges recommended the award of a prize of $50.00 for "the most complete and practical essay on Californian and exotic trees, shrubs, grasses, and plants; their adaptation to the sands and soils of the seacoast and the shores of our bays and rivers—for breaking the violence of the coast winds, arresting and preventing sand drifts, and guarding against encroachment and damage by waves and floods; with instructions." It would appear that the donor of the prize got his money's worth!

On July 24, 1856, Dr. Randall was shot by a gambler named Joseph Hetherington who was lynched five days later by the same Vigilance Committee that had disposed of the notorious Casey and Cora a short time before. It is recorded in the minutes of the Academy that the members attended in a group the funeral of their first president. We have no authentic record that they attended the demise of Joseph Hetherington, but we know at least that the offices of several were within easy walking distance of the scene of that historic event.

I cannot leave this incident without mentioning further that, on the day after Dr. Randall's funeral and the day before his murderer was hanged, the Academy held its regular weekly meeting, at which it is recorded in the Proceedings: "Mr. A. F. Beardslee deposited for the Library, Michaux and Nuttall's North American Sylva; also a pamphlet containing descriptions of new coniferous trees of California." A three-year-old Academy that could thus calmly hold a scientific session between a murder and a hanging was surely destined to survive!

The first constitution of the Academy is a lengthy and interesting document, from which we shall quote only a few brief passages. Article 1 reads:

> This association shall be called "The California Academy of Natural Sciences" and its objects shall be the investigation and development of Natural Science, the collection of a cabinet of specimens and a Library to embrace the standard and current works on Natural History and Natural Science, together with such choice miscellaneous literature as may be contributed by the friends and patrons of the institution.

This at a time when California as a state was less than three years old, the famous Pony Express was still seven years in the future, and communication with the eastern United States was by steamer and the Isthmus of Panama!

Surprising as it is that the objectives the young Academy had set for itself should even have been thought of under the conditions then prevailing, even more surprising is the speed with which they began to be realized. It appears, from the minutes of early meetings, that almost immediately the members began to accumulate scientific books and natural history objects and to keep them at their place of meeting. At the meeting of April 25, 1853, Captain Nahum Haynes presented a quantity of shells and corals, and Samuel A. Hastings presented a collection of objects obtained by him from the Rogue River Indians. In an addendum to the proceedings of the meeting of September 4, 1854, we read:

> Col. Nevins presented to the Academy a receipt in full for the rent of his office and furniture, which have been used by the Academy from the 18th of April, 1853, to the last day of July, 1854, for its weekly meetings, and for storing its Library and Specimens . . . . being a donation to the Academy worth at least three hundred dollars. Whereupon it was, on motion, Resolved, that the thanks of the Academy be tendered to Mr. Nevins for his liberal donation, above specified.

Thus an unpretentious room at what is now 622 Clay Street seems to have been the first museum and science library in the West.

At this same meeting, on motion of Dr. William O. Ayres, it was "Resolved, that the Recording Secretary be directed to publish the proceedings of each meeting of the Academy in the *Pacific* [a San Francisco newspaper of the time] as soon after the meeting as practicable." In accordance with this resolution, the first published Proceedings of the California Academy of Sciences were published in the issue of the *Pacific* for September 15, 1854. For several years thereafter the Proceedings were so published. The columns were afterward assembled into double-column pages and issued in four-page signatures, much like modern scientific reprints.

Naturally, few originals of these early Proceedings remain. In 1873, after the Academy's publications had become well established, the numbers between 1854 and 1857 were assembled by the Committee on Publications of that year and reissued as a "second edition." It is this reprint of 1873 which forms the Volume I of most sets of the Academy's Proceedings. Even it is extremely scarce today.

Thus from humble beginnings in a pioneer newspaper came the Academy's scientific publications, now numbering more than sixty volumes and found in every important library in the world.

But let us return briefly to the Constitution. In Article 2, Section 1, we read: "Scientific gentlemen may be received as resident members." This is an extremely well-turned phrase, which manages in eight words to set up three distinct requirements for membership and still reserve the right to reject even candidates who might be so qualified. Nevertheless within a few weeks after the first meeting some forty "scientific gentlemen" had been found in residence in San Francisco and added to the rolls. If any testimony be needed of their genuine enthusiasm for science, it is furnished by the fact that resident members had to pay an initial fee of ten dollars, and dues of two dollars a month!

It would appear that the funds thus collected were liberally and intelligently applied to scientific ends. Fifty dollars was expended for the printing of a circular setting forth the objects of the Academy, and also giving general instructions for the preparation of specimens for scientific study. A sum up to twenty-five or thirty dollars was allowed for the collecting of fishes (viviparous perch) for the Academy. In the minutes, reference is made to "meteorological and magnetic instruments" ordered through Professor Joseph Henry of the Smithsonian Institution. At the meeting of December 5, 1853, it was optimistically "Resolved that the sum of $1,500 be offered in premiums at the contemplated Horticultural exhibition and fair to be held in May next under the management of this association." There seems to be no evidence that the contemplated horticultural exhibition was actually held, or that the Academy ever possessed $1,500 at one time in the first decade of its existence, much less that such a sum was ever offered in prizes. Possibly the follow-up on this is a more chastened resolution written into the minutes of January 30, 1854:

> That a committee of three be appointed to prepare a memorial to the Board of Supervisors of San Francisco, the object of which shall be to encourage the cultivation of shade-trees within the city limits by offering a premium for every tree, which shall be planted and found to be in a flourishing condition within a specified time—the *Ailanthus* to be excluded from the list as unworthy of cultivation.

Provision was made in the constitution for corresponding members and honorary members, and within a few months corresponding members had been elected all the way from Hawaii to the state of Vermont. Shoalwater

Bay, in Washington Territory, boasted two corresponding members, James C. Swan and Captain C. J. W. Russell, of whom the former became a recurrent contributor of scientific communications and natural history specimens from the Pacific Northwest. It affords an interesting commentary on the transportation problems of the time that Henry Durant, then residing in Oakland, was elected a corresponding member!

Various well-known scientists were elected to honorary membership at an early date, including Spencer Fullerton Baird, Sir William J. Hooker, and Prince Charles Lucien Buonaparte. Louis Agassiz was elected an honorary member on February 13, 1854, and his acknowledgment was received on April 17. The gentlemen singled out for this distinction must have been a bit surprised at the honor thus conferred upon them by a fledgling Academy of Sciences in the western wilderness. But it was not long before such membership came to be regarded as a distinct honor, and a definite badge of scientific achievement. And it was a happy circumstance that in 1872, the year before his death, Louis Agassiz was able to visit San Francisco and was entertained at a distinguished gathering held in his honor by the Academy to which he had been elected eighteen years before.

By midsummer of 1853 the scientific gentlemen had discovered that, notwithstanding the pronounced success of their undertaking and the interest of their deliberations, something was lacking. At the meeting of August 1, 1853, on motion of Dr. Kellogg, it was "resolved, as the sense of this society, that we highly approve of the aid of females in every department of natural history, and that we earnestly invite their cooperation." Through this gesture, as chivalrous in intention as it was inelegant in phrase, the first scientific institution in the West became probably the first in the world to recognize and encourage the ability of women in the scientific and intellectual sphere, as it was later the first institution to appoint women curators of its scientific collections.

To recite in any detail the scientific and educational achievements of the Academy during the succeeding years and down to the present would be far beyond the scope of this paper. We can only observe briefly that it immediately became a center of intense activity in scientific research and publication, and for many years was almost the only center of such activities in Western America. The "Proceedings," "Occasional Papers," and "Memoirs" of the Academy constitute a record of steady progress in both the biological and physical sciences. C. Max Richter wrote on ocean currents, T. J. Lowry on hydrographic surveying, James G. Cooper on birds, shells, and paleontology. George Davidson set up an astronomical telescope on a hilltop that is now Lafayette Square, wrote papers on astronomy, meteorology, and geophysics, and persuaded James Lick to endow the Lick Observatory. James Blake, whom Dr. Chauncey Leake[3] has termed "California's first great scientist," clearly anticipated the periodic system in chemistry and the polar front theory in meteorology, and pioneered ably in the field of biophysics. Gustav Eisen studied earthworms, cellular biology, and cancer, and introduced the cultivation of the Smyrna fig and the alligator pear. This list is merely intended to be suggestive, and indeed is perhaps as conspicuous for what is omitted as for what is included.

In 1868 the University of California was established, and in 1870 the regents of the University discussed with members of the Academy the possibility of merging the two institutions.[4] This plan was dropped, but the relations of the Academy with the state university, and later with Stanford University, have always been intimate and cordial. A considerable proportion of the Academy's members and officers have latterly been drawn from these two institutions.

In 1874, with financial assistance from Charles Crocker, Leland Stanford, and others, the Academy established its first formal museum in a rented building at the corner of California Street and Grant Avenue (then called Du Pont), diagonally across the street from the property then as now occupied by St. Mary's Church. The building thus occupied for museum purposes was in fact the First Congregational Church of San Francisco, whose congregation had moved to new and better quarters. Here the Academy was housed for sixteen years in a location that San Franciscans will remember as having subsequently been the site of the Sing Fat Bazaar.

In the closing years of the nineteenth century the institution found itself in new and better days. Through the philanthropy of James Lick, a property on Market Street, between Fourth and Fifth, had been deeded to the Academy in 1875, and on his death the Academy of Sciences and the Society of California Pioneers became residuary legatees of his estate. A building was erected on the Market Street property, with stores and offices in front, and a commodious museum at the rear, with an auditorium in the basement. Here, for fifteen years after 1891, the Academy had its home.[5]

This was in its day one of the finest museum buildings in America, impressive with marble grandeur[6] and the bewildering juxtaposition of objects characteristic of nineteenth century museum practice. The great central court contained a life-sized restoration of a mammoth, the skeleton of a modern elephant, a cast of a glyptodon, the skeleton of a megatherium, a restoration of a plesiosaur, and a miscellany of other objects. This museum was not only one of the show places of the city, but also with its library, its large scientific collections, and its active curatorial staff, was a headquarters of much important scientific activity.

The San Francisco disaster of 1906 brought this phase of the Academy's history to a sudden and catastrophic end. A single day saw the destruction of a museum and a library that had been fifty years in building. Of thousands of books and specimens of almost priceless value, nothing was saved except what could be loaded into one spring wagon and carted to safety ahead of the fire. That anything at all was saved was due especially to Miss Alice Eastwood, then as now the Academy's curator of botany, who lost all of her own possessions while attempting to save those of the Academy. The phrase "poetic justice" has been much misused, most commonly as a synonym of some unpleasant form of retribution. It was justice in the most poetic sense that more than half a century after the Academy had voted to admit women to its activities, the book of minutes containing the record of that action, along with other documents and specimens of inestimable value, should have been saved through the energy and resourcefulness of a woman curator.

On that fateful day in 1906, if any member of the Academy had philosophically remarked that it would "all turn out for the best," his outraged associates might well have called on Heaven to smite him with a falling brick. But after the lapse of thirty-five years it is evident that the institution has far exceeded any possibilities of expansion that were offered by the old Market Street location. The destruction of the library, which was at that time probably the best scientific library in the West, was indeed a devastating blow. As for the museum, most of the types were saved, and while among the objects lost there were many that we could not replace if we would, there were also many that we would not replace if we could. Building anew, quite literally with no skeletons in the closet, the Academy was able to take fullest advantage of the newer techniques of exhibiting natural history material to the public; and when it reopened its doors in 1916 it was able to present the first large hall in any museum in the world to be devoted exclusively to modern habitat groups of birds and mammals.

A few years later, through the generous gift of Mr. Ignatz Steinhart, it was able to open the first large public aquarium west of the Atlantic seaboard. Most recently, through the generosity of Mr. Leslie Simson, the Academy has opened the first unit of the Simson African Hall, with its unsurpassed habitat groups of African mammals. Another wing remains to be added to this hall. Already the specimens are on hand to make it the largest and most complete African exhibit in any American museum.

Closest, perhaps, to the hearts of Californians is Alice Eastwood's herbarium, which through her indefatigable effort has grown from one thousand specimens she saved from the fire in 1906 to its present size of two hundred seventy-five thousand specimens. Plans are under way at the present time for the proper housing of this monumental collection in a hall of botany which shall be worthy of the city of San Francisco and the state of California.

Now in closing let us return again to that meeting of seven men in the office of Lewis Sloat on the evening of April 4, 1853. What was its real significance in the history of science in the West?

The natural history of western America had already been under investigation for a long period by many distinguished scientists. Since George Stellar first set foot in Alaska in 1741 more than a century had passed during which a long list of naturalists had visited the Pacific Coast—La Pérouse in 1786, Archibald Menzies in 1792, Chamisso and Eschscholtz in 1816, Townsend and Nuttall in 1834 *et seq.*, to mention only a few.

But this first meeting of the Academy was something new. The men who had come before were visitors, travelers, explorers. They stayed a few days, a month, sometimes as long as two or three years, then returned with their scientific plunder to the museums of Europe and eastern America. This new undertaking was something different, something indigenous to California, the beginning of scientific work by men who lived here. The men who built the California Academy of Sciences were not adventurers who came to make their fortunes overnight and then return to an older and easier way of life. They had come to stay. And the meeting of April 4, 1853, marked the beginning of an era.

NOTES

1. Shortened in 1868 to "California Academy of Sciences."

2. I am indebted to Dr. Frank M. MacFarland, president of the California Academy of Sciences, for assistance in collating these data from early records in possession of the Academy.

3. Chauncey D. Leake, "California's First Great Scientist," *California Monthly*, XXXVIII (February 1937), 22.

4. California Academy of Sciences *Proceedings*, IV (1870), 138.

5. Here, for several years beginning in April 1891, the California Historical Society had its headquarters, in Room 52 on the seventh floor.

6. The marble for the main staircase was donated by E. J. Molera, a trustee of the Academy who later was a member of the Board of Directors of the California Historical Society.

Recent Californiana

A Check List of Publications Relating to California

BOOKS AND PAMPHLETS

Bradley, Harold Whitman

The American Frontier in Hawaii, the Pioneers 1789-1843. Stanford University, California: Stanford University Press [1942]. xii + 488 pp, $4.50.
Contains many names that also appear in California history.

Conmy, Peter Thomas

The Stevens-Murphy-Miller Party of 1844. [San Francisco: Native Sons of the Golden West, 1942.] 6 pp. [Mimeographed.]

Cornelius, Brother

Keith, Old Master of California. New York: G. P. Putnam's Sons [1942]. 640 pp., illus. $5.00.

[Fourgeaud, Victor J.]

The First Californiac, Being a Reprint of Prospects of California Written by Dr. Victor J. Fourgeaud for the April 1, 1848 Issue of *The California Star*, San Francisco's First Newspaper, of Which Samuel Brannan Was the Publisher, Prolegomenon by Carroll D. Hall. San Francisco: [Privately printed at] The Press of Lewis and Dorothy Allen, 1942. xv + 44 pp., illus. $2.75. Limited edition.

Hoy, William

The Chinese Six Companies: a short, general historical resumé of its origin, function, and importance in the life of the California Chinese. San Francisco: Chinese Consolidated Benevolent Association (Chinese Six Companies) [1942]. [iv] + 34 pp., illus. Typography by Harold N. Seeger, printed by Lawton R. Kennedy. The author is research editor of the California Chinese Historical Society.

Hunt, Rockwell D.

John Bidwell: Prince of California Pioneers. Caldwell, Idaho: The Caxton Printers, Ltd. [1942]. 463 pp., illus. $3.50.

Maxwell, Mary Ursula

Leadership of Mother Agatha Reynolds, Ursuline of the Roman Union. [Santa Rosa, 1941]. 276 + [12] pp., illus.

Ormsby, Waterman L.

The Butterfield Overland Mail, by Waterman L. Ormsby, Only Through Passenger on the First Westbound Stage, Edited by Lyle H. Wright and Josephine M. Bynum. San Marino, California: The Huntington Library, 1942. xv + 179 pp. $2.75.

Prendergast, Thomas F.

Forgotten Pioneers, Irish Leaders in Early California. San Francisco: The Trade Pressroom, 1942. iv + [7] + 278 pp., illus. $4.00.

Rich, E. E., ed.

The Letters of John McLoughlin from Fort Vancouver to the Governor and Committee, First Series, 1825-38. London: Published by the Champlain Society for The Hudson's Bay Record Society, 1941. cxxviii + 374 pp., map. Limited edition.
Contains various references to California trading.

U. S. Work Projects Administration

History of the San Francisco Theatre, Vol. XVII, Famous Playhouses: Part 3, San Francisco: Compiled by Workers of the Writers' Program of the Work Projects Administration in Northern California, 1942. [iv] + 236 pp. [Mimeographed.]

ARTICLES IN PERIODICALS

ATLANTIC MONTHLY

Vol. CLXX, Nos. 1-4 (July-October 1942), contain: "The Year of Decision, 1846," by Bernard DeVoto.

THE BRITISH COLUMBIA HISTORICAL QUARTERLY

Vol. VI, No. 3 (July 1942), contains "Four Letters Relating to the Cruise of the 'Thetis,' 1852-53," edited with an introduction and notes by W. Kaye Lamb.

GHOST TOWN NEWS

Vol. II, No. 7 (October 1942) contains: "The Wizard of the Pockets [A. O. Bell]," by Edmund Kinyon; "Adolph Sutro," by Carl T. Nunan; "Beauty and Action in Weaverville," by C. B. Glasscock; "Asbury Harpending, Boy Wonder," by Miriam Allen deFord. Vol. II, No. 8 (December 1942) contains: "I Knew Bidwell," by Rockwell D. Hunt; "San Francisco 1895—Gasoline Go-Buggy," by Carl T. Nunan; "Sarah Brown Cooper: Altruist," by Miriam Allen deFord.

THE MASTERKEY

Vol. XVI, No. 5 (September 1942) contains "Some Yurok Customs and Beliefs," by Bertha Parker Cody.

THE PACIFIC HISTORICAL REVIEW

Vol. XI, No. 3 (September 1942), contains: "Resources of Western Libraries for Research in History," by Lawrence Clark Powell; "Before the Telegraph: The News Service of the San Francisco *Bulletin*, 1855-1861," by John Denton Carter.

SIERRA CLUB BULLETIN

Vol. XXVII, No. 4 (August 1942), contains: "Early Botanical Ascents of Mount Shasta," by Willis Linn Jepson; "Walker's Discovery of Yosemite," by Francis P. Farquhar.

THE SOUTHWESTERN HISTORICAL QUARTERLY

Vol. XLVI, No. 2 (October 1942), contains a biographical sketch of Dr. John Allen Veatch, by Samuel Wood Geiser.

WESTWAYS

Vol. XXXIV, No. 9 (September 1942) contains: "He [Agoston Haraszthy] Planted the Zinfandel," by Idwal Jones; "Keeper of the Toll Gate [Thomas Dunne]," by Mrs. Luisa MacAlonan as told to Johns Harrington; "Air Mail of 1894," by Curtis Zahn; "California Names—A Gazetteer," Chapter XXVI. No. 10 (October 1942) contains: "California Pocahontas [Winema]," by Rupert L. Larson; "Old Sacramento," by Ethel Bangert. No. 11 (November 1942) contains "Tale of an Old Wagon Trail," by Lester Sinclair Walbridge; "Here Sang Jenny Lind," by Idwal Jones.

NAMES FOR SHIPS

The United States Maritime Commission has asked the California Historical Society to suggest "twenty-five names of leading men and women (deceased)" in the history of California. "These can follow the category of patriots, liberators, and . . . pioneers and others who have been outstanding in various fields. Obviously the names should be of a quality which is not debatable as to their position."

Members and others are invited to send their suggestions to the Historical Society, accompanying each name with a hundred-word biographical sketch.

The name of the Liberty ship *Walter Colton*, which was launched at the Richmond shipyards on December 10, was suggested by Chaplain Clifford M. Drury, one of our members.

News of the Society

Meetings

"Cabrillo and California, 1542-1942" was the topic of a timely address by Dr. Max Savelle at the September meeting of the California Historical Society, exactly four hundred years after the first day the discoverer of our coast spent in what is now California. The meeting was held in the Comstock Room, Palace Hotel, San Francisco, on Tuesday, September 29, with fifty-two members and guests present.

Dr. Savelle, professor of History at Stanford University, widely known for his studies of Spanish colonization in the Americas, told of Cabrillo's visit to San Diego Bay, traced the course of his exploration of the California coastline and the off-shore islands, on one of which he died early in 1543. The speaker paid a tribute to the intrepid explorer, and to his companions on the expedition. The significance of the discovery for Americans today was emphasized.

One of the most delightful of the addresses delivered before the California Historical Society was given at the October meeting by Judge Frederic W. Howay, of New Westminster, British Columbia. "The Early Relations of California with British Columbia" was the subject of his remarks, which included pioneer reminiscences pervaded by a kindly humor.

The close link between California and British Columbia in the fifties and sixties was stressed. Special attention, of course, was devoted to the Fraser River Gold Rush of 1858, when many thousand Californians sailed north to the new-found goldfields. Anecdotes of the successful manner in which law and order were maintained, sometimes in the face of difficulties, enlivened the recountal. An interesting story of the early-day Negro immigration to British Columbia from California was also a part of the address.

Judge Howay, who is internationally known for his writings on historical subjects, is chairman of the Historic Sites and Monuments Board of Canada, as well as a member of our Society. The luncheon meeting was held in the Comstock Room, Palace Hotel, San Francisco, on October 27, with forty-seven members and guests in attendance.

The paper read by Dr. Robert C. Miller, director of the California Academy of Sciences, at the luncheon meeting held on November 17, in the Comstock Room of the Palace Hotel, is printed elsewhere in this issue. Thirty-eight members and guests attended the meeting.

Aubrey Drury

Gifts Received by the Society

September 1, 1942, to November 30, 1942

BOOKS AND PAMPHLETS

From ALAMEDA COUNTY LIBRARY—Tays, George, ed., *Historical Sites and Landmarks of Alameda County, California*, Oakland, Calif.: Alameda County Library, 1938.

From MISS ALMA BIRMINGHAM—Cornwall, Bruce, *Life Sketch of Pierre Barlow Cornwall*, San Francisco, 1906; Dunn, Allan, *Care-Free San Francisco*, San Francisco, 1913; Krebs, Abbie E., ed., *La Copa de Oro (The Cup of Gold)* . . . [San Francisco], 1905.

From MR. MORTIMER ELWYN COOLEY—Cooley, Mortimer Elwyn, *The Cooley Genealogy* . . . Rutland, Vermont: The Tuttle Publishing Company, Inc. [1941].

From THE BOOK CLUB OF CALIFORNIA (ALBERT M. BENDER bequest)—Lawson, Henry, *The Romance of the Swag* (Guardians of the Pacific: No. One, Australia), San Francisco: The Book Club of California, 1942.

From MRS. EDMOND D. COBLENTZ—Fry, Walter, and White, John R., *Big Trees*, Stanford University: Stanford University Press [1940]; U. S. Work Projects Administration, *Monterey Peninsula*, Stanford University, California: James Ladd Delkin [1941].

From MR. FRANCIS P. FARQUHAR—Adams, Virginia and Ansel, *Illustrated Guide to Yosemite Valley*, San Francisco: H. S. Crocker Co., Inc., 1940; Farquhar, Francis P., *Walker's Discovery of Yosemite*, reprinted from the Sierra Club *Bulletin*, Vol. XXVII, No. 4 (August 1942).

From THE HUNTINGTON LIBRARY—Ormsby, Waterman L., *The Butterfield Overland Mail, by Waterman L. Ormsby, Only Through Passenger on the First Westbound Stage*, edited by Lyle H. Wright and Josephine M. Bynum, San Marino, Calif.: The Huntington Library, 1942.

From MR. GEORGE A. MERRILL—*Lincoln Grammar School, a Record Compiled for the Boys*, San Francisco: Lincoln Grammar School Association, 1938.

From ALBERT SHUMATE, M.D.—Maxwell, Mary Ursula, *Leadership of Mother Agatha Reynolds* [Santa Rosa], 1941.

From STANFORD UNIVERSITY PRESS—Bradley, Harold Whitman, *The American Frontier in Hawaii, the Pioneers 1789-1843*, Stanford University: Stanford University Press [1942].

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MAGAZINES AND NEWSPAPERS

From MR. ANSON S. BLAKE—The British Columbia Historical *Quarterly*, various issues.

From MISS LUCIE E. N. DOBBIE—*Madroño, a West American Journal of Botany*, Vol. III, No. 4 (October 1935); Sacramento *Bee*, Magazine Section, various issues.

From MR. GEORGE A. MERRILL—*Pacific Educational Journal*, Vol. X, No. 2 (February 1894).

From SAN MATEO COUNTY HISTORICAL ASSOCIATION—*La Peninsula*, various issues.

From MISS CAROLINE WENZEL—California Library Association *Bulletin*, Vol. IV, No. 1 (September 1942).

PICTURES AND MAPS

From MISS FRANCES BRAMHALL—Photograph of Robert Houghton.

From MR. M. HALL McALLISTER—Tinted photograph of Mrs. Hall McAllister's three children, dressed for a fancy dress ball, 1867 (framed).

From MR. GARFIELD D. MERNER—2 Photographs of an early fire engine in Plumas County which bears plate: "R. S. Chapman, Pacific Coast Selling Agent, San Francisco, Cal."

From MR. GEORGE A. MERRILL—Photographs of earthquake of 1868: 4 views of East Bay district; 2 views of San Francisco.

From MRS. SILAS H. PALMER—Group photograph by I. W. Taber, "Men of Mark, 1895," with key; Unidentified group photograph, probably early sixties (framed).

From MR. EMMET PERRY—Photograph of San Francisco City Hall after the earthquake and fire, 1906.

From DR. CHARLES B. PORTER—Photograph of Union Square, rededication of Dewey Monument, September 12, 1942.

From MR. MILTON S. RAY—Map: "Plano del Puerto de San Francisco . . ." Mexico, 1823 (photostat).

MISCELLANEOUS

From MISS ALMA BIRMINGHAM—48 Songs by California composers, from the collection of her mother, Mrs. Lillian Birmingham (some autographed, some in manuscript).

From MRS. MAE HELENE BACON BOGGS—Boggs, Mae Hélène Bacon, "Shasta Dam Scrapbook" (10 pp., photostat).

From MR. JOHN BOLENDER—Music for the guitar, published 1843-50. 2 vols. (In Vol. I: "Jennie G. Rhodes, San Francisco, 1855.")

From MISS FRANCES BRAMHALL—Knife used by Robert Houghton while crossing the plains ca. 1851; Spectacles used by Robert Houghton; Doll's knife and fork formerly belonging to Robert Houghton's daughter, Ella Houghton Bramhall, Sierra City.

From MRS. E. M. COFFIN—Program, Harmonic Society Concert, Masonic Hall, San Francisco, May 13, 1885; Bill-head, Joseph McGregor, chronometer and watchmaker, San Francisco, 187-.

From MR. PETER T. CONMY—Conmy, Peter Thomas, *The Stevens-Murphy-Miller Party of 1844* [San Francisco, 1942] (mimeographed).

From MR. HOMER D. CROTTY—[Memorial] *Frederick Warren Williamson, 1897-1942* [Los Angeles]: Zamorano Club, 1942.

From HON. THOMAS F. PRENDERGAST—Various orders and proclamations of Western Defense Command and Fourth Army.

From MISS LOTTIE G. WOODS—Album of California ferns, formerly belonging to Mrs. David Bixler; Panama-Pacific International Exposition scrapbook; Sponsor's pass book, Golden Gate International Exposition; 4 sheets of music published in San Francisco; Newspaper clippings about California pioneers; and other items.

New Members

NAME	ADDRESS	PROPOSED BY
	Sustaining	
*Pope, Mrs. George A.	San Francisco	Mr. Walter A. Starr
	Active	
Abbot, Samuel L.	San Francisco	Mr. J. W. Mailliard, Jr.
Alter, Marcus	San Francisco	Mr. Edgar M. Kahn
Baker, Hugh C.	San Francisco	Miss Dorothy H. Huggins
Barkan, Dr. Hans	San Francisco	Mr. Walter A. Starr
Blaisdell, Nathaniel	San Francisco	Mr. M. Hall McAllister
Bloch, Louis	San Francisco	Mr. Edgar M. Kahn
Carruthers, C. P.	San Francisco	Mr. Walter A. Starr
Conmy, Peter T.	San Francisco	Mrs. J. J. Van Nostrand
Crowley, Thomas B.	San Francisco	Mr. Aubrey Drury
Cushing, Oscar K.	San Francisco	Mr. Aubrey Drury
Dexter, Henry C.	Oakland, Calif.	Mr. Dudley Dexter
Drexler, Mrs. Louis P.	San Francisco	Miss Jennie M. Blair
Ehrlich, Philip S.	San Francisco	Mr. Edgar M. Kahn
Ellison, Robert S.	Manitou Springs, Colo.	Mr. Ernest Dawson
Greene, A. Crawford	San Francisco	Mr. Aubrey Drury
Haskins, Samuel Moody	Los Angeles	Mr. Homer D. Crotty
Hicks, Prof. John D.	Berkeley, Calif.	Prof. F. L. Paxson
Hiller, Miss Mary Elizabeth	San Francisco	Mrs. Jerome A. Hart
Hilp, Harry H.	San Francisco	Mr. Edgar M. Kahn
Hooker, Lt. John R.	Lafayette, Calif.	Mr. Allen L. Chickering
Liljencrantz, Dr. Guy	Oakland, Calif.	Mr. Aubrey Drury
Lowell, Orrin J.	Auburn, Calif.	Mr. Aubrey Drury
McBean, Mrs. Atholl	San Francisco	Mr. Walter A. Starr
Norris, Charles G.	Palo Alto, Calif.	Mr. Walter A. Starr
Parkinson, Dr. Roy H.	San Francisco	Mr. Aubrey Drury
*Patterson, William D.	Newark, Calif.	Mr. Lowell E. Hardy
Scott, Joseph	Los Angeles	Mr. Aubrey Drury
Shattuck, David S.	Hermosa Beach, Calif.	Mr. Aubrey Drury
Sutro, Mrs. Oscar	San Francisco	Mr. Aubrey Drury
Threlkeld, Mrs. M. C.	San Francisco	Mr. Walter A. Starr
Tone, John N.	Stockton, Calif.	Mr. Harry D. Hubbard
Voiles, Mrs. William H.	Oakland, Calif.	Miss Mary Burt Brittan
White, Prof. Lynn T., Jr.	Stanford University	Mr. Frank McArthur

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*Reinstated after resignation.

In Memoriam

GEORGE HAVILAND BARRON

1869-1942

At his home in Redwood City, California, on June 24, 1942, George Haviland Barron died after a short illness. The son of Anna Haviland and Michael Columbus Barron, who had been brevetted captain for "gallantry in action" during our war with Mexico and who was a pioneer San Francisco contractor and builder, George Barron was born in this city on September 19, 1869. Captain John Spokane, his great grandfather, and his grandfather, Captain John Barron, had sailed from Salem, Massachusetts, to Puget Sound, on a whaler in 1810.

George Barron's boyhood home was close to the old Mission of Dolores and it was there that he first attended school. Later he graduated with highest honors from St. Mary's College and spent some time there as a postgraduate. His collegiate record attracting Archbishop Riordan's notice, he was offered and accepted a position as his secretary. In this office, among other duties, he had charge of the earliest records of the Roman Catholic Church in California, and of these he made such a deep study that in after years he was considered the outstanding authority concerning them.

For about three years he was a member of the faculty of St. Francis College, at Watsonville, California, spending most of his free time delving into the early Spanish history of that locality and serving as associate editor of the San Francisco *Monitor*. Appointed curator of the H. M. de Young Memorial Museum by Mayor P. H. McCarthy, for twenty-four years Mr. Barron was in his element. There he established the Pioneer rooms and obtained donations of historical material and financial help that assisted in the erection of the present building and made his name outstanding in the museum field. The great mass of California historical items now stored there, and of which he knew the story of every one, is a lasting monument to the love he bore his native State.

Mr. Barron was the second grand historiographer of the Native Sons of the Golden West and was one of their greatest orators.

Reta Arguello, granddaughter of Don Luis Antonio Arguello, comandante of the Presidio of San Francisco and governor of California, was Mr. Barron's first wife. Following her death, he was married, on February 3, 1904, in the Cathedral at Sacramento, to Florence Yates Davis, daughter of Thomas Davis, a pioneer of the Mother Lode country.

Mr. Barron passed away on land that has been connected with his family since before the County of San Mateo was formed. Barron Avenue, the street leading to his estate, was named in his honor by the Board of Supervisors. He was buried in Holy Cross Cemetery, San Mateo County.

Besides his widow, George Barron is survived by his daughter Dolores, Mrs. Harry A. Scoble; three sons: Richard Davis Barron and John Haviland Barron, both of the United States Army, and Captain Perry Henry Barron, United States Navy; his brother William; and several grandchildren.

A. T. LEONARD, JR.

FRANK HENRY BUCK

1887-1942

Frank H. Buck, a Representative in Congress from California from 1933 until his death, died suddenly in Washington, D. C., on the 17th of September 1942. Mr. Buck was born on a farm near Vacaville, California, on September 23, 1887, the son of Frank Henry and Annie Elizabeth (Stevenson) Buck. He graduated from the University of California in 1908 and from Harvard Law School in 1911. Admitted to the California bar in the latter year, he practiced law for six years, but was best known from his connection with fruit and farming interests, having been president of the Frank H. Buck Company from 1916 to 1932.

Mr. Buck was a Democrat and was prominent in the affairs of the Democratic party in California for many years prior to his death. He was a member of The Pacific-Union Club, of San Francisco, the Claremont Country Club, of Oakland, and the Sutter Club, of Sacramento, as well as of the California Historical Society. His home was at Vacaville, California.

Mr. Buck was twice married. He is survived by his widow, the former Eva M. Benson, of Alameda (to whom he was married on January 23, 1926), their two children, and his four children by his first wife (the former Zayda Zabriskie).

CHARLES L. DINGLEY

1865-1942

Charles L. Dingley, who died in Oakland on October 6, 1942, was a descendant of Peregrine White, of the *Mayflower*, and was a son of the late Captain Charles Dingley who came around the Horn in 1851, from Maine, in his own vessel, and engaged in the flour and lumber business in San Francisco. There his son Charles was born in 1865. The family soon moved across the bay, however, and the boy grew up with the city of Oakland.

Mr. Dingley began his business career in the flour business, in Salinas, and was the original owner of "Drifted Snow Flour," giving it the title. For twenty years Mr. Dingley was secretary of the Mountain View Cemetery Association. He is survived by his widow, three daughters, and fourteen grandchildren.

FREDERICK PAXSON HOWARD

1871-1942

In the death of Frederick Paxson Howard the California Historical Society has lost one of its most active members and staunch supporters.

As a citizen always interested in civic affairs, his passing is deeply regretted by his friends and members of this organization.

He was formerly Secretary of the Spring Valley Water Company, of which his father, Charles Webb Howard, was president for many years. On his mother's side he was descended from the Shafter family, residents and owners, from early days, of the "Rancho Tomales y Bolinas," in Marin County.

Mr. Howard was imbued with the spirit and history of California, having inherited many rare and valuable books on California history. Adding to this collection was his paramount interest. He did a great deal of work and investigation regarding the landing places, marches and settlements of the earliest voyagers to California, and particularly in regard to the landing place of Sir Francis Drake in Marin County.

Mr. Howard was born in Oakland, California, on October 8, 1871, and passed away at Ross, Marin County, on April 5, 1942.

WILLIAM A. MAGEE

GEORGE A. POPE

1864-1942

California lost one of its business and social leaders with the sudden death, in San Francisco on October 16, of George Andrew Pope, lumberman and shipping magnate.

George A. Pope was born in San Francisco, on April 26, 1864, son of Andrew J. Pope, who had come to California in 1849 to establish a lighterage and transportation company in the Bay area with Frederick Talbot. Talbot soon sold his interest to a brother, Captain William C. Talbot, who joined with Pope in establishing a lumber and shipping empire which became a power in the West.

After studying at Trinity School, located on the present site of the Hotel St. Francis, young George A. Pope entered his father's business, and at the time of his death was chairman of the board of directors of Pope & Talbot. His extensive activities also included directorships in the Bank of California, the Burlingame Land and Water Company and the Henry Investment Company. At one time he was a director of Wells Fargo Bank and Union Trust Co., and from 1926 to 1938 he was a member of the Hillsborough Board of Trustees.

Mr. Pope was a member of the California Historical Society for over twenty years, and was a member of the Burlingame Country Club, the Pacific Union Club, the San Francisco Golf Club, and the California Academy of Sciences.

Always interested in early Californiana, he had made a collection of prints and lithographs of pioneer San Francisco and the State. This fine collection is now on the walls of the Pope offices in the Russ Building.

George A. Pope was married to Edith Taylor in San Francisco in 1894. Besides his widow, Mr. Pope is survived by a daughter, Mrs. Russell Dickson, of Burlingame, and two sons, Kenneth, and Captain George A. Pope, Jr. Captain Pope was president of the Pope-Talbot company until he joined the Army. There are also five grandchildren.

Of George A. Pope, the San Francisco *Argonaut* wrote in an editorial:

> With his passing the Pacific Coast lost one of its finest citizens and foremost civic leaders . . . Mr. Pope was a leader in all movements for the progress and welfare of this community. His innumerable philanthropies were as broad as they were unobtrusive, and the high principles and sterling integrity which marked his character were reflected in every phase of the conduct of his business and his private affairs.

EDITH ESBERG SLOSS

1877-1942

Edith Esberg Sloss, a loyal member of this Society, passed away at her home in this city on October 25. She was a San Franciscan by birth and the daughter of Mr. and Mrs. Mendel Esberg, who came to California in the early sixties. She was a graduate of Miss Murison's School, and subsequently studied in France and Germany.

Mrs. Sloss was endowed with splendid mental qualities and with great energy and force of character. Her interest and love for the city of her birth was always evidenced by the wholehearted and able manner in which she assumed a full share of responsibility towards all its community affairs—whether the problems lay in the fields of art, music, education or charity. She was particularly interested in and gave much of her time and attention to the Telegraph Hill Neighborhood Association, the Tuberculosis Association of San Francisco, and the San Francisco Housing and Planning Association. She will be long remembered by those associated with her in the conduct of these institutions not only for her generous material aid but for her farsighted and constructive contributions to their plans and policies for the future.

She was married to Joseph Sloss, a son of the well known California pioneer Louis Sloss. Her husband died three and a half years ago. Three sons, Joseph Sloss, Jr., Henry E. Sloss, and Lawrence F. Sloss survive her.

Her life was one of great activity and was rich in her many friendships and in the work she so ardently pursued.

SIDNEY M. EHRMAN

ROBERT REAY SYER

1870-1942

Judge Robert R. Syer, of the Santa Clara County Superior Court, who died in San Jose on September 1, 1942, was a distinguished jurist long prominent in the public life of California.

He was born in Baltimore, Maryland, both of his parents being natives of England. They brought him to San Jose when he was only four years old. His father bought 107 acres nearby on the Milpitas road, and engaged in ranching.

After graduation from the Hastings College of the Law in San Francisco with an LL.B. degree in 1894, the future judge entered practice in San Jose with the late Judge William P. Veuve. He was appointed to the Superior Court bench in 1931.

Besides his interests in the law, Judge Syer participated actively in affairs of city and state. A charter member of the San Jose Country Club, he served three years as its president. A leader also in civic and improvement associations, he served on the board of freeholders which drafted a new city charter for San Jose; and he was a member of the board of trustees of the public library for five years. Judge Syer belonged to the Fraternity lodge of Masons, the Scottish Rite, the legal fraternity of Phi Delta Phi, the California State Bar Association, and the California Historical Society.

He is survived by his widow, Mrs. May D'Oyly Syer; a son, Robert D'Oyly Syer, connected with the War Production Board in Washington, D. C.; and a sister, Mrs. E. Pauline Howard. His grandchildren are Robert Nigel Syer and John Christopher Syer.

An appropriate tribute to the character of Judge Syer was made at the time of his passing by Elmer D. Jensen, president of the Santa Clara County Bar: "He was held in high esteem as a trial judge by both lawyers and litigants and was generally considered one of the most eminent jurists on the superior bench in this state. His learning, honesty, integrity and sense of justice will forever live on in the pages of the legal history of the state of California."

Marginalia

Of the contributors to this issue, Jeanne Skinner Van Nostrand (Mrs. John J. Van Nostrand, of Berkeley), our librarian, is gathering material on the artists of the Gold Rush period. Her article on Thomas A. Ayres was printed in our QUARTERLY for September 1941. Dr. Robert C. Miller is director of the California Academy of Sciences; Dr. Henry R. Wagner is too well known to our readers to need further mention; and notes about Judge Cosgrave and Dr. J. N. Bowman are appended to their articles.

Samuel L. Abbot, one of our new members, is the grandson of Richard L. Ogden who served in the Mexican War, and in the Civil War as a captain and assistant quartermaster. Captain Ogden came to California in 1850, was head of the firm of Ogden & Haynes, commission merchants, in the early fifties, and of the Kimball Manufacturing Company in the sixties and seventies, and was first commodore of the San Francisco Yacht Club when it was reorganized in 1875.

Hugh Cheney Baker is in the Department of English, San Francisco State College. He is a graduate of Stanford and, working for his Ph.D. degree, is making a special study of reading tastes in California in the fifties. His paternal grandfather, Samuel Chase Baker, came to California during that decade and was editor of the Oakdale *Graphic* for many years.

Dr. Hans Barkan is the son of an Hungarian physician who came to San Francisco in 1876, became a specialist in diseases of the eye, ear, nose, and throat, and was professor in ophthalmology at the old Cooper Medical College. Dr. Hans Barkan, educated at Stanford University, at Harvard Medical School, and in Vienna, has been associated with Stanford Medical School since 1914 and is now head of its Department of Ophthalmology. He is a member of the Boards of Trustees of Mills College and the Thacher School, and has been a member of the executive committee of the San Francisco Symphony for many years.

Nathaniel Blaisdell was born in Providence, Rhode Island, and graduated from Brown University in 1883. He has been president of the Brown Alumni Club of Alta California since 1898 and of the Chi Phi Club of Northern California since 1937. He was an officer of the University Club and of the California Tennis Club for many years, and president of the Merchants Exchange Club, 1912-14. He is an honorary member of Mechanics Institute, of which he has been a member since 1895.

Peter T. Conmy, Ph.D., is historian of the Native Sons of the Golden West. His father's parents, John J. Conmy and Maria Cherry, were married in the old St. Francis Church on Vallejo Street on July 11, 1852. They settled in Weaverville where John Conmy founded the *Trinity Journal*, and later moved to Shasta where he edited the Shasta *Courier* and served as county superintendent of schools. He moved to San Jose in 1869 and died there in 1905. Dr. Conmy's father, Thomas Cherry Conmy, was born in Weaverville and was a charter member of Golden Gate Parlor No. 29, N.S.G.W. George Gustaff Richter, Dr. Conmy's other grandfather, was a native of Holland who came to California in 1849.

Oscar K. Cushing is the son of John M. Cushing, who came across the Isthmus of Panama in 1849, and from there to San Francisco on the famous ship *Niantic*, arriving July 5.

Henry Cushing Dexter is the grandson of Daniel Cushing who died in the spring of 1849 at Fort Hall, Idaho, on his journey west, and the son of Asa Dexter who came to California in 1849 via Cape Horn, mined for gold at Downieville, and returned to his home in Aurora, Illinois, in 1853 by way of the Isthmus of Panama. When he returned to California by emigrant train in 1868, bringing with him his wife and four children, he went to Oakland to live. There Henry Dexter has lived ever since.

Elise A. (Mrs. Louis P.) Drexler is the daughter of William H. Kelley who with five other pioneers settled in Mendocino, California, in 1852. There the company, outfitted by Henry Meiggs and including Jerome B. Ford, William H. Kent and E. C. Williams, built a sawmill and engaged in the lumber business. The sawmill at Caspar, built in 1861 by Kelley and a Captain Randall and later sold to its present owners, has run continuously until the present day.

Robert S. Ellison, a native of Indiana, became interested in "the Plains and the Rockies" in 1922 when he was living in Wyoming on the route of the Oregon, Mormon, and California trails. He has written monographs on Independence Rock, Fort Bridger, and similar subjects, was first chairman (1927-30) of the Historical Landmarks Commission of Wyoming, and is now a member of the Board of the Colorado Historical Society.

Charles Matthias Goethe's paternal grandparents pioneered in Australia and later in

California. His maternal grandmother, Catherine Denger, of French stock, came across Panama in the fifties to help in the cholera nursing at Sacramento. C. M. Goethe was one of the first to engage in California realty subdivision on a large scale. He has also engaged in banking and farming, and has devoted much of his time to social service. He has pioneered in the playground movement and in organized recreation, and has done much to promote the study of nature, organizing the California Nature Study League and working out a technique of nature guiding which has been adopted in the National Parks.

Samuel Moody Haskins was born in Salt Lake City, received the degree of B.A. from the University of California in 1893 and was admitted to the California bar in 1895. He has been a partner in the law firm of Gibson, Dunn & Crutcher since 1908, and was president of the Los Angeles Railway Corporation from 1932 to 1936. He is a member of the board of directors of the Security-First National Bank of Los Angeles.

John D. Hicks is Morrison professor of American history at the University of California.

Margaret Newhall (Mrs. Atholl) McBean is the granddaughter of Henry Mayo Newhall who came to California from Saugus, Massachusetts, in 1850. Her father, William Mayo Newhall, she herself, her son Peter, and her granddaughter Judith Diana McBean, were all born in San Francisco.

Charles Gilman Norris, California author, is so well known that he needs no introduction to our readers.

Joseph Scott, born in England, came to Los Angeles in 1893 from New York State, where he was professor of English literature at St. Bonaventure's College, Allegany. He was admitted to the bar in 1894 and has been practicing in Los Angeles ever since. His wife is the former Miss Bertha Roth, of San Francisco. He has been president of the Los Angeles City Board of Education, the Chamber of Commerce, and the California Conference of Social Work, president and one of the founders of the Los Angeles Community Chest, president of The Southwest Museum, and is now chairman of the Citizens Committee for the Army and Navy, Inc.

Annie Fryer (Mrs. Melville C.) Threlkeld was born in Shanghai, China, the daughter of the late John Fryer, LL.D., formerly of the Chinese Imperial Government Service and subsequently Agassiz professor of Oriental languages at the University of California. After schooling in England and in Shanghai, she attended Alfred University in New York State. She has resided in California since 1892 and has been a trustee of Lux College, San Francisco, since 1927.

John N. Tone is the son of John H. Tone who was born and reared in Manhattanville, not far from the Audubon estate, and came to California with the Audubon party whose adventures are recounted in this issue. His mother, as a child, lived for a time on the Audubon estate, and her father, Nicholas Walsh, also came to California with the Audubon party.

Jane (Mrs. William H.) Voiles is particularly interested in the early homes of California, especially those in Alameda County and in the mining regions around Placerville. She collects photographs and stories of old houses.

Lynn T. White, Jr., the son of Prof. Lynn T. White, of the San Francisco Theological Seminary, was born in San Francisco. He is professor of mediaeval and renaissance history at Stanford University, and wrote a short article about the name "California" which was printed in our QUARTERLY for September 1940.

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California Historical Society *Quarterly*

Volume XXI

1942

CALIFORNIA HISTORICAL SOCIETY
SAN FRANCISCO

In this Index, illustrations have been indicated by printing the page numbers in *italic* type. The titles of articles printed in the *Quarterly* have also been set in large and small capitals. Abbreviations have been used as follows: Co. = company or county; ed. = editor or edited; opp. = opposite; S. F. = San Francisco.

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